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Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Organization of work

Statement by the Legal Counsel

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session

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The meeting was called to order at 10.05 a.m.

Organization of work (A/C.6/61/1 and A/C.6/61/L.1)

1. **The Chairman** said that the Committee had a crucial role to play in the revitalization of the work of the General Assembly by ensuring that the Assembly's function as a legislative body was upheld. Efforts were needed to prevent any further undermining of the principles of negotiation and consensus. It was a cause of concern that standards of international law which had proved effective in preventing violence in international relations were being called into question by those responsible for ensuring the application of those standards or by parties acting on the basis of a particular doctrine. The allocation of new agenda items to the Committee could mark the beginning of a fresh process of codification and development of international law. The work of the Committee was relevant to all aspects of human life because it consisted in forming the *opinio juris* necessary to ensure the application of the rule of law.

2. He extended a warm welcome to the Head of the Liaison Office of the International Criminal Court, an institution whose work was closely connected with that of the Committee.

3. He drew attention to the allocation of agenda items to the Committee as contained in document A/C.6/61/1 and to the note by the Secretariat on organization of work (A/C.6/61/L.1), in particular the proposed timetable for the consideration of items contained in paragraphs 3 to 6 of the latter document.

4. Agenda item 153 (Requests for observer status in the General Assembly) had been referred to the Committee as a standing item. The Committee therefore needed to establish a clear procedure for the submission and consideration of such requests. The Bureau had proposed that the report of the International Law Commission on the work of its fifty-eighth session (A/61/10) should be considered in four parts. He took it that the Committee agreed with that proposal.

5. *It was so decided.*

6. **The Chairman** said that, in accordance with the established practice, the proposed work programme would be applied with flexibility in the light of the progress made by the Committee and that the Committee would take action on draft resolutions as soon as they were ready for adoption.

7. The Committee must allow sufficient time for the preparation and consideration of the estimates of expenditure arising from draft resolutions. Since the Committee was due to conclude its work on 9 November 2006, all draft resolutions with financial implications must be submitted to the Fifth Committee by 29 October 2006, except for those relating to agenda items due to be considered after that date. He took it that the Committee wished to proceed on the basis of the proposed work programme.

8. *It was so decided.*

9. **The Chairman** said that the work programme just agreed upon took into account the need for efficient use of time and resources. During the sixtieth session, the Committee had improved its conference service utilization rate in comparison with the previous year, but had nonetheless lost more than 13 hours owing to meetings starting late and ending early. That rate could be improved if meetings began on time and if, in the event that the Committee was unable to proceed with its discussion of one item, delegations were prepared to consider the next item on the agenda. Lastly, he drew the Committee's attention to paragraph 13 of General Assembly resolution 59/313, which invited Member States that were aligned with statements already made by the chair of a group of Member States, where possible, to focus additional interventions made in their national capacity on points that had not already been adequately addressed in the statements of the groups in question, bearing in mind the sovereign right of each Member State to express its national position.

10. **Ms. Sarne** (Philippines), noting that the Philippines had submitted a request for observer status in the General Assembly on behalf of the Association of Southeast Asian Nations (ASEAN), requested information on the current status of the request.

11. **The Chairman** said that the request had been received. However, consultations were still continuing on how such requests would now be handled. It was the view of the Bureau that the best course of action would be to adopt a draft resolution for early submission to the General Assembly on the new procedure to be followed. He hoped to report on the outcome of the consultations as soon as possible.

Statement by the Legal Counsel

12. **Mr. Michel** (Under-Secretary-General for Legal Affairs, the Legal Counsel) said that the international community took great interest in the work of the Committee, which represented an important contribution to the development of international law. At the current session, in addition to the items it traditionally dealt with, the Committee would be considering a number of new items relating to the topical issues of maintenance of international peace and security and the promotion of justice and international law.

13. The Committee's work on all the items allocated to it was crucial, not only because it promoted international law but also because it served as a reminder of the essential role of law in international relations, particularly in the context of current challenges. Indeed, no other body was in a better position to ensure that law and justice were regarded as key principles in the United Nations, legitimizing both the Organization and its activities. He pledged the continued support of the Office of Legal Affairs for the Committee's work.

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session (A/61/17)

14. **Mr. Karangizi** (Chairman of the United Nations Commission on International Trade Law (UNCITRAL)), introducing the Commission's report on the work of its thirty-ninth session (A/61/17), said that the Commission had approved in principle a draft UNCITRAL legislative guide on secured transactions designed to assist countries in modernizing their security interests law; it was expected to be submitted for final approval by the Commission at its fortieth session, in 2007. While that guide had not been prepared with intellectual property laws in mind, its relevance to security rights in intellectual property had been recognized. A colloquium was scheduled on the subject, on 18 and 19 January 2007, to obtain the views of experts.

15. The Commission had also at its thirty-ninth session concerned itself with issues relating to the settlement of commercial disputes. It had adopted model legislative provisions on interim measures of protection, taking into account the fact that such measures were increasingly being requested and granted in the practice of international commercial arbitration. It had decided on the form of the arbitration agreement in the UNCITRAL Model Law on International Commercial Arbitration and had adopted a recommendation in that connection, calling for it to be recognized that the circumstances described in article II of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards were not exhaustive, and allowing a broad interpretation of its article VII (1). It had mandated its Working Group II (Arbitration and Conciliation) to undertake revision of the UNCITRAL Arbitration Rules.

16. Turning to the question of procurement, he said that Working Group I had continued to consider issues relating to the use of electronic communication and technologies in procurement and had reached a preliminary agreement on draft revisions of the 1994 Model Law on Procurement of Goods, Construction and Services and the Guide to Enactment. The Commission had recommended that, in updating the Model Law and the Guide, the Working Group should take into account the issue of conflict of interest and consider whether any specific provisions on the subject should be included therein.

17. In the area of transport law, Working Group III had made good progress in the preparation of a draft convention on the international carriage of goods by sea, particularly with regard to some of the difficult issues involved. The Working Group was scheduled to complete its second reading by the end of 2006 and its final reading by the end of 2007, with a view to presenting the draft instrument for finalization by the Commission in 2008.

18. With regard to future work in specific areas, the Commission believed that while the UNCITRAL Model Law on Electronic Commerce, the UNCITRAL Model Law on Electronic Signatures and the Convention on Electronic Contracts provided a good basis for States to facilitate electronic commerce, a favourable legal framework needed to be established. The Secretariat had accordingly been requested to prepare a comprehensive reference document to help legislators and policymakers, particularly in developing countries, to develop such a framework, dealing with such topics as authentication and cross-border recognition of electronic signatures, unfair competition and deceptive trade practices in electronic

commerce, and cybercrime for consideration by the Commission at its fortieth session.

19. In the area of insolvency law, he noted that the international colloquium to consider proposals for future work had taken place in November 2005 and that the topic of the treatment of corporate groups in insolvency would be referred to Working Group V (Insolvency Law) for consideration in 2006. It had been agreed that the compilation of practical experience in the negotiation and use of cross-border protocols should be facilitated through consultation with judges and insolvency practitioners; a preliminary progress report on the subject would be submitted to the Commission for consideration at its fortieth session.

20. With regard to commercial fraud, it had again been recognized that, since commercial fraud deterred legitimate trade and undermined confidence in established contract practices, the UNCITRAL transactional and private-law perspective and expertise were necessary for fully understanding the problem and developing measures to combat it. The UNCITRAL secretariat was continuing to cooperate with the United Nations Office on Drugs and Crime for a study on fraud and the falsification of identity.

21. Another project discussed by the Commission was the ongoing monitoring of the legislative implementation of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention). It had agreed that its work should be geared to the development of a legislative guide that would promote uniform interpretation of that Convention.

22. Technical assistance activities continued to be an essential part of the Commission's work; they were, however, dependent on the availability of funds. He stressed that, despite an increase in the number of instruments, their impact was declining, particularly in developing countries. He called on members of the Committee to reverse that trend through a fresh commitment to UNCITRAL's work, in particular through contributions to the UNCITRAL Trust Fund.

23. Technical assistance also took the form of the CLOUT system for the collection and dissemination of case law on UNCITRAL texts. He emphasized in that connection that the digest of case law on the United Nations Sales Convention was being reviewed and edited and that the first draft of a digest of case law relating to the Model Law on International Commercial Arbitration was being finalized for publication.

24. UNCITRAL welcomed the inclusion in the agenda of the current session of the General Assembly of an item on the rule of law, which could not be considered, however, without factoring in the role of international trade law. The Commission's resources and expertise in that field should therefore not be overlooked in the discussion.

25. The harmonization and unification of international trade law required active cooperation and coordination among rule-formulating organizations. The Commission regarded the reports prepared by its secretariat on the work of concerned international organizations as effective tools to that end. He recalled that its decision to adopt a more proactive approach to its coordination role had been endorsed by the General Assembly; its secretariat was accordingly engaging in dialogue on both legislative and technical assistance activities with a number of interested organizations. The work being performed in that area by UNCITRAL, as the core legal body in the United Nations system in the field of international trade law, was particularly important and justified the use of travel funds. In further support of coordination, the Commission proposed that the current edition of the Unidroit Principles of International Commercial Contracts be circulated to States with a view to their endorsement at its fortieth session.

26. Lastly, he expressed the Commission's satisfaction with the special event organized by its secretariat for the signing of the United Nations Convention on the Use of Electronic Communications in International Contracts, adopted by the General Assembly in 2005, and announced the convening of the UNCITRAL congress on modern law for global commerce, to be held from 9 to 12 July 2007.

27. **Mr. Bühler** (Austria) expressed his delegation's satisfaction with the efforts made by the Commission to enhance cooperation and coordination with other international organizations and to expand its technical assistance activities. Through its key work in the field of international trade law, it contributed significantly to strengthening the rule of law at the national and international levels. He urged the Commission and its secretariat to continue and further intensify its efforts to that end.

28. One of its most important achievements in the past year had been the preliminary approval of the draft UNCITRAL legislative guide on secured transactions, aimed at providing a legal framework that would facilitate secured financing and thus promote access to low-cost credit and enhance national and international trade. Austria looked forward to its finalization and approval by the Commission at its fortieth session.

29. His delegation commended the Working Groups for the progress they had made. It welcomed the adoption of the revised provisions of the 1985 UNCITRAL Model Law on International Commercial Arbitration and the recommendation regarding the interpretation of provisions of the 1958 New York Convention and was following with particular interest the work on procurement and transport law.

30. He noted that the current year marked not only the thirtieth anniversary of the adoption of the UNCITRAL Arbitration Rules, but also the fortieth anniversary of the adoption of the General Assembly resolution establishing UNCITRAL. In the light of that anniversary, his delegation warmly welcomed the decision of the Commission to hold a congress on international trade law during its fortieth session, to be held in Vienna, in 2007.

31. **Mr. Prasad** (India) said that the draft legislative guide on secured transactions, approved in principle by the Commission at its most recent session, was bound to assist countries in adopting modern legislation in that area, thereby increasing access to low-cost credit and facilitating the cross-border movement of goods and services. He noted the cooperation between Unidroit and the UNCITRAL secretariat in ensuring consistency between that guide and the draft Unidroit securities convention. He referred to the revised legislative provisions on interim measures of protection and the form of the arbitration agreement; they were expected to update significantly the provisions of the 1985 UNCITRAL Model Law on International Commercial Arbitration and further facilitate the use of arbitration as a dispute settlement mechanism in international commercial relations. Caution should be exercised, however, in undertaking a revision of the UNCITRAL Arbitration Rules of 1976, as they were widely recognized and had served as a model both for national legislation and for dispute settlement mechanisms in bilateral investment protection agreements; care should to taken to safeguard their flexibility. In the area of insolvency law, his delegation hoped that, in considering the treatment of corporate groups in insolvency, the Commission would build upon its previous work. He noted with satisfaction the progress made by Working Group V (Insolvency Law), Working Group III (Transport Law) and Working Group I (Procurement), and welcomed the UNCITRAL secretariat's cooperation with the United Nations Office on Drugs and Crime in the area of commercial fraud. Lastly, he expressed appreciation for the secretariat's technical assistance activities and its collection and dissemination of case law on UNCITRAL texts.

32. **Ms. Blum** (Colombia) praised the outstanding work done by the Commission at its thirty-ninth session and said that the recommendations of the draft UNCITRAL legislative guide on secured transactions were based on the fundamental principles underpinning legal systems. If adopted, they would promote the harmonization required in order to make security rights more effective. In that respect, it would be advisable for the secretariat, in cooperation with the World Intellectual Property Organization (WIPO) and other competent international organizations to prepare a document on future work on security rights and intellectual property law, given the highly specific nature of that area of the law.

33. When the UNCITRAL Arbitration Rules were revised, the process should preserve the structure and spirit of the text, but should bring it up to date. It was vital that the list of topics presented by the Working Group should be concise and enjoy the broadest support possible.

34. As the use of electronic communications and technologies in the procurement process was a sensitive matter, albeit one of great significance for States and societies, a model law on the subject ought to take into account the unequal technological conditions that existed, particularly in developing countries. The principle which should guide the inclusion of such new practices and technologies in an updated Model Law on Procurement of Goods, Construction and Services should be the transparency of any public procurement transaction.

35. The progress made by Working Group III (Transport Law) on a draft convention on transport law was encouraging, but the provisions on freedom of contract deserved careful scrutiny by the Group in order to ensure that that legal principle they embodied

was in line with the functional nature of the convention.

36. UNCITRAL could make a substantial contribution to the prevention of commercial fraud and should, in that context, indeed look into the use of business transactions for asset-laundering. UNCITRAL should also continue its coordination of the activities of international organizations in the field of trade law. She therefore expressed her satisfaction that a congress on uniform commercial law in the twenty-first century would be held in July 2007. Lastly, consideration should be given to the proposal to establish a trust fund to support the wider participation of young lawyers from developing countries in the internship programme run by the Commission's secretariat.

37. **Mr. Lamine** (Algeria) welcomed the progress made by Working Group II (Arbitration and Conciliation) with the updating of the provisions of the UNCITRAL Model Law on International Commercial Arbitration and the adoption by the Commission of a declaration regarding the interpretation of articles II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. His Government supported the Commission's decision to opt for a recommendation rather than a declaration which could be misinterpreted as to its nature. It also endorsed the Commission's decision to give priority to the revision of the UNCITRAL Arbitration Rules by the Working Group, which should in particular examine the implications of electronic communications in that context.

38. Working Group VI (Security Interests) had made good headway towards developing a legislative guide on secured transactions which included some very useful recommendations on the priority of security rights over the rights of competing claimants, the pre-default rights and obligations of the parties and the rights and obligations of third-party obligors. His Government supported the Commission's intention to refer the definition of the term "consumer goods" to Working Group VI.

39. It was true that intellectual property rights were increasingly becoming an extremely important source of credit which should not be excluded from a modern secured transactions law, since they often constituted an essential and valuable component of operations to finance equipment and inventory and that the recommendations of the draft legislative guide on secured transactions generally applied to secured rights in intellectual property insofar as they were not inconsistent with intellectual property law. The UNCITRAL secretariat should therefore prepare a note discussing the scope of future work by the Commission on intellectual property financing for consideration at the fortieth session.

40. It would be wise to finalize a draft convention on transport law in 2008. In view of the complexity and magnitude of the work involved, the length of the Working Group's sessions should be extended.

41. The preparation of 54 issues of the Case Law on UNCITRAL Texts (CLOUT) for publication was an important aspect of the technical assistance provided by UNCITRAL. Similarly, the Commission's website was a valuable source of information in the six official languages of the Organization. It would be an excellent idea to set up a trust fund to enable young lawyers from developing countries to participate more in the internship programme. He was pleased that an agreement had been reached to hold a congress on modern law for global trade in 2007.

42. **Ms. Laohaphan** (Thailand) said that all countries were seeking to achieve economic growth, peace and prosperity. While globalization and the increased flows of international trade and investment had contributed towards the realization of those goals, they had heightened the complexity of commercial transactions, technology and legislation. For that reason, the Commission should pursue its role of facilitating commercial transactions and harmonizing international trade legislation.

43. As it was necessary gradually to harmonize national laws to keep up with the pace of global cooperation and economic integration, her Government had adopted several pieces of legislation based on the model laws and legislative guidelines of UNCITRAL. Moreover, it was vital to foster cross-border trade and enhance economic relationships at the regional level. The experience of UNCITRAL and its legal instruments would help the Association of Southeast Asian Nations (ASEAN) to develop its own legal framework for international trade that remained in step with the rest of the world.

44. The progress made by Working Group III (Transport Law), and by Working Group I (Procurement) in the revision of the UNCITRAL Model Law on Procurement of Goods, Construction

and Services to encompass the use of electronic communications and new practices, such as electronic reverse auctions, was commendable. With regard to the future work programme in the field of international insolvency, the Commission had taken a wise decision to focus on the treatment of corporate groups, while allowing its secretariat flexibility to organize the work on other related topics such as post-commencement financing and cross-border insolvency protocols.

45. Continued work under the system established for the collection and dissemination of case law on UNCITRAL texts (CLOUT) would promote the uniform interpretation and application of those texts. The latter should, however, be revised to achieve consistency through the use of such well-established principles as functional equivalence and technical neutrality.

46. Nevertheless, for the Commission to be successful, its model laws and conventions needed to be incorporated in national legislation. To that end, more resources should be devoted to technical assistance for developing countries for that purpose. The convening of the next UNCITRAL congress the following year would be of critical importance, because it would provide an opportunity to review the results of past work programmes and select topics for future work.

47. **Mr. Alday** (Mexico) said he was pleased to note the adoption of a new chapter IV of the UNCITRAL Model Law on International Commercial Arbitration, as it filled a legal vacuum which had started to pose problems, not only with regard to the concept of interim measures and the conditions for granting or refusing them, but also with respect to provisional orders to act or to take no action which had been issued without hearing the party concerned. It was necessary to establish uniform rules for the execution of interim measures granted by arbitral tribunals, especially when the latter were not located in the place in which the measure would be enforced. Another big legal gap had been the lack of any provision on the collaboration of courts which would empower them to order interim measures in support of arbitration. The new chapter reflected modern arbitral practice and users' needs. It was to be hoped that the explanatory material would be published as soon as possible and its incorporation in national legislation promoted.

48. The amendment of articles 7 and 35 offered practical and legislative solutions necessitated by the increasing use of arbitration to settle disputes between international operators. The amendments to the UNCITRAL Model Law on International Commercial Conciliation would help to forge a link between the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and current practices. The recommendation on the flexible interpretation of the Convention was a major step in that direction. The solutions offered by UNCITRAL would enhance the rule of law in the field of international trade.

49. The addition of an article on the uniform interpretation of the UNCITRAL Model Law on International Commercial Arbitration brought the latter up to date. When the Model Law had been drafted, the principle of its uniform interpretation and the possibility of implementing it had appeared utopian, but the establishment of the system of national correspondents and the new information technologies had turned that principle into a reality. The UNCITRAL secretariat's digest relating to the Law was of great value to the users of international arbitration.

50. The revision of the UNCITRAL Arbitration Rules should update the latter without changing those which had been demonstrably successful and had generated a large body of case law. The Working Group should also consider whether management disputes of corporations and disputes in fields such as industrial property, intellectual property, insolvency and economic competition could be submitted to arbitration.

51. He was pleased that Working Group VI (Security Interests) might conclude its deliberations in time to present a final text of the legislative guide on secured transactions to the Commission at its fortieth session.

52. With regard to the progress made with the revision of the UNCITRAL Model Law on Procurement of Goods, Construction and Services, it was very important for States to have a sound framework for public procurement and the relevant practices should be revised in order to secure transparency, legal certainty and a more efficient use of resources. It was to be hoped that experience with the application of that instrument and practices in the field of electronic contracts would be taken into account in a set of rules which would meet the needs of States at

various stages of development. For that reason, it was essential to retain principles such as functional equivalence, security of information, authenticity and confidentiality. However, in order to ensure the wider application of harmonized rules, further studies and consultations would be needed so as to make sure that issues related to electronic reverse auctions would encourage medium-sized and large enterprises to become more competitive.

53. Concerning the deliberations of Working Group III (Transport Law), it would certainly constitute a big step forward if rules could be introduced for volume contracts which guaranteed legal certainty for shippers and made provision for adequate checks on the system of general liability. Further studies and consultations would be required in order to make sure that the future treaty struck a balance promoting the interests of all concerned by transport activities, which would give States a greater incentive to become parties to the instrument.

54. Future work on commercial fraud and electronic commerce as outlined in the Commission's report (A/61/17) would be a very useful means of gaining an insight into the legal challenges facing the international community in those fields. It was to be hoped that the studies on commercial fraud would take into account advances in electronic commerce and modern contract practices. It was worrying to note the increase in international commercial fraud perpetrated through the Internet. Such fraudulent practices should be examined with a view to eliminating the existing legal vacuum.

55. Lastly, given the importance of safeguarding the efficiency of arbitration and providing a suitable framework so as to avoid the non-enforcement of arbitral awards and decisions, it was vital that efforts be continued to obtain the requisite information and cooperation so that the Commission could speed up the monitoring of the application of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

56. **Mr. Tan** (Singapore) applauded the fact that Working Group II (Arbitration and Conciliation) had completed its work on interim measures of protection and the written form requirement for arbitration agreements and that the recommendation on the interpretation of articles II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards had been adopted. The legal texts produced by UNCITRAL had proved very useful to countries like his own which were seeking to modernize and harmonize their laws.

57. In an electronic age, the Convention on the Use of Electronic Communications in International Contracts would enhance legal certainty and commercial predictability when electronic communications were used in international contracts. Electronic commerce was the key to allowing businesses to reach out in a borderless world and the Convention was a milestone in that it provided the legal infrastructure to facilitate the growth of such commerce. Furthermore, he hoped that the revision of the 1994 Model Law on Procurement of Goods, Construction and Services could be completed by 2008.

58. Unfortunately many countries were not familiar with the good work done by UNCITRAL, yet it was important that the international texts it produced should become more widely known and adopted by the majority of States. That was the purpose of the UNCITRAL secretariat's technical assistance programmes, which therefore deserved greater support.

59. **Ms. Wilcox** (United States of America) said that UNCITRAL had continued to take a technical and non-politicized approach to the reform of commercial and economic law and had focused on the promotion of commerce in all geographic regions and for States at all levels of development. It had recognized that, despite the liberalization of trade through international agreements, the failure to upgrade commercial laws had meant that many cross-border transactions took place under sufficiently unfavourable terms as to sharply limit their effect on economic growth. The Commission's work was helping to close that gap and reflected the practical achievements possible within the United Nations system.

60. As the Commission had finalized its revision of the Model Law on International Commercial Arbitration, Working Group II (Arbitration and Conciliation) could be expected to move on to other issues. Her Government had been in favour of the vision behind the recommendations on secured finance reform since they were based on modern commercial laws rather than older traditions. It had also supported the Convention on the Use of Electronic Communications in International Contracts and its market-oriented approach to laws which enabled

electronic commerce without overly regulating that new field and it was therefore pursuing internal processes to seek authority to sign the Convention.

61. Coordination remained an important focus; hence she encouraged further work on insolvency law pertaining to cross-border business and trusted that it would lead to the merging of the insolvency legislative recommendations made by the Commission. Her Government also backed the parallel recommendations prepared by the World Bank with the goal of establishing a single standard for adoption by the Bank and the International Monetary Fund.

62. The continuing efforts of the Commission's other Working Groups on the carriage of goods, cross-border insolvency law and the procurement of goods, construction and services were welcome, as were the Commission's endeavours to tackle the growing problem of commercial fraud in a number of sectors. Since that work did not fall conveniently into the core area of activity of any United Nations body, it should be coordinated with the United Nations Office of Drugs and Crime and other United Nations bodies as appropriate.

63. The conference which the Commission would host as part of its 2007 plenary session should be allowed to run for the maximum time agreed by the Commission so as to allow all interested bodies in the public and private sectors to present their views. The efficiency and management approach which had made it possible for the Commission to greatly expand its activities while remaining within its existing budget was commendable.

64. **Mr. Rachkov** (Belarus), welcoming the favourable outcome of the deliberations at the thirty-ninth session of the Commission, said that the latter had fulfilled the role of coordinator between the other international organizations engaged in the sphere of international trade law.

65. With a view to its accession to the World Trade Organization (WTO), his Government was harmonizing its national legislation with international standards and was interested in making use of the expertise of UNCITRAL in the field of international arbitration, the cross-boundary purchase and sale of goods, the international carriage of goods, public procurement, international payments and electronic commerce.

66. It was to be hoped that the progress achieved to date on the draft UNCITRAL legislative guide on secured transactions would permit the preparation of a comprehensive and balanced document at the fortieth session. Noting the success of the activities of Working Group VI (Security Interests) and Working Group II (Arbitration and Conciliation), he expressed support for the Commission's decision that Working Group II should give priority consideration to the revision of the UNCITRAL Arbitration Rules in 2007.

67. As for new legal topics, UNCITRAL should turn its attention to the formulation of unified standards to prevent commercial fraud, above all in the spheres of electronic commerce, bankruptcy and insolvency. In the wake of the accession of Belarus to the United Nations Convention on the Law of the Sea, the work of Working Group III (Transport Law) on bills of lading, maritime way-bills and other transport documents was of increasing importance for his Government.

68. The adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts was a welcome step, given the significant role played by computer technologies and electronic communications in the conclusion of international contracts. His Government would consider whether to formally become a party to the Convention once the national plan for the development of electronic trade in 2006 and 2007 had been implemented.

69. In the process of UNCITRAL reform, maximum use should be made of the Commission's potential and of its comparative advantages in the interests of Member States. His delegation was willing to participate more actively in the Commission's work. To that end, a coordinating council on cooperation with the Commission had been established in 2004. Its experts took part in the meetings of the Commission's working groups. Documentation prepared by the Commission, including the case law on UNCITRAL Texts (CLOUT), had become an important part of his country's legal system. The Supreme Commercial Court had used CLOUT to analyse foreign courts' use of the UNCITRAL Model Law on International Commercial Arbitration and the United Nations Convention on Contracts for the International Sale of Goods. The information Belarus gathered on the rulings of commercial courts which relied on the provisions of UNCITRAL conventions was regularly

forwarded to the UNCITRAL secretariat for inclusion in CLOUT.

70. Lastly, he thanked the UNCITRAL secretariat for its assistance with the organization of an international seminar on cross-boundary commercial arbitration and the international purchase and sale of goods, held in Minsk in October 2005, and said he looked forward to continued cooperation between Belarus and UNCITRAL in the future.

71. **Ms. Collet** (France) said that her delegation welcomed the increase in the membership of UNCITRAL, which reflected growing interest in the Commission's activities. She hoped that that growth would be accompanied by more active participation by all members in the Commission's work. Coordination of the activities of the many international organizations active in the field of trade law and publication of documents describing those activities were important aspects of that work.

72. Her delegation considered that the functions of the Commission and its various working and expert groups should be clarified. The roles of the various categories of participants — Member States, observer States and non-governmental entities — should also be more clearly defined. Her delegation intended to put forward in due course some suggestions regarding clarification of the Commission's procedures and working methods. In that connection, her delegation wished to emphasize the importance of respect for the official languages of the Commission. Full participation by delegations, in particular French-speaking ones, was dependent on the availability of language services. Translation and interpretation should therefore be assured in order to enable the Commission to fulfil its mandate more effectively.

73. Her delegation was pleased with the Commission's approval of the essential provisions of the draft legislative guide on secured transactions, the content of which respected the different legal traditions and was consistent with the evolution of legislation on the subject. It was less pleased with the legislative provisions on interim measures ordered by international arbitral tribunals. The model provisions adopted by the Commission seemed excessively complex and not well aligned with current arbitration practice. With regard to the draft convention on the international carriage of goods by sea, in order to ensure the widest possible acceptance of the future instrument, the draft convention must balance the interests of the different categories of States and operators concerned. Australia and France had submitted a joint proposal in that regard (A/CN.9/612). Maritime transport was a sensitive subject, and the Commission should give due attention to the legitimate concerns of States.

74. **Mr. Pandey** (Nepal) said that promotion of the progressive harmonization and unification of the law of international trade was a vehicle for socio-economic development. The development, modernization and harmonization of international trade law would provide countries, especially developing and least developed ones, with a tool for dealing with the increasing volume and complexity of international trade and business resulting from globalization, while also enhancing the confidence of potential investors and promoting trade and development. Nepal acknowledged the importance of the Commission's four decades of work in that regard and encouraged it to continue that work.

75. Nepal, a least developed and landlocked country, had been making efforts to use various UNCITRAL instruments as legislative guides and models in matters relating to both national and international trade law. His delegation urged UNCITRAL, through its technical assistance programme, to give special consideration to enhancing the national capacity of least developed countries to make their trade regimes qualitative and competitive. In particular, Nepal requested the Commission to develop its technical assistance programme on law reform and welcomed the establishment of a technical assistance and coordination unit within the UNCITRAL secretariat. In that connection, it encouraged UNCITRAL to continue coordinating and cooperating with other organizations in areas of international trade law of mutual interest.

76. Nepal welcomed the adoption of the United Nations Convention on the Use of Electronic Communications in International Contracts, believing that it would help to enhance legal certainty and commercial predictability where electronic communications technology was used in relation to international contracts. Lastly, Nepal supported the convening of an UNCITRAL congress in 2007. His delegation noted, however, that many members of the Commission had been unable to participate in the 2006 session, owing to financial constraints, and urged UNCITRAL and its secretariat to take measures to

provide financial assistance to ensure participation, particularly by least developed countries, in the congress and other future activities of the Commission.

77. **Mr. Playle** (Australia) said that his delegation welcomed the work being done on revising the UNCITRAL Arbitration Rules, which should result in improvements of considerable practical use. However, like other Commission members, Australia was concerned about the slow progress of Working Group II in revising the UNCITRAL Model Law on International Commercial Arbitration. The work on provisions relating to interim measures and preliminary orders had been particularly contentious. Those provisions had finally been presented to UNCITRAL during its thirty-ninth session, six years after the work had begun, but Australia and others remained concerned about the text and questioned whether the proposed provisions would lead to greater uniformity in the implementation of the Model Law.

78. His delegation believed that the task of producing a new instrument on the international carriage of goods [wholly or partly] [by sea], though lengthy and ambitious, was a worthy undertaking. Many technical issues in the draft remained to be resolved, but Working Group III had been making good progress. A major issue for Australia was that of jurisdiction and arbitration. It was critical that a cargo claimant should be able to litigate in its own jurisdiction. A related issue was the volume contract exemption and the potentially wide scope for parties to derogate from the mandatory liability regime. Australia was concerned that allowing parties to derogate from the draft instrument would undermine uniform implementation. Australia and France had jointly proposed a narrowing of the volume contract exemption, to which his delegation hoped the Working Group would give favourable consideration. Australia was optimistic that the end result of the Group's work would be a workable and widely supported modern international instrument on the carriage of goods by sea.

79. Australia supported the Commission in its work on developing a legislative guide on secured transactions, and hoped that the guide would be approved at the next session. That work was especially timely for his country, which was currently considering reform initiatives in regard to secured transactions law. Intellectual property rights were increasingly important as a source of credit, and should not be excluded from a modern secured transactions law. Accordingly, his delegation strongly commended the Commission for its proposal to explore the application of secured transactions law to intellectual property rights, provided it did not delay approval of the guide by the Commission in 2007. If necessary, work on intellectual property rights could be undertaken as a separate exercise, with a view to a later amendment of the guide.

80. Australia commended UNCITRAL for coordinating and cooperating with other international organizations, welcoming, in particular, the Commission's decision to consider the Principles of International Commercial Contracts adopted by the International Institute for the Unification of Private Law (Unidroit) with a view possibly to endorsing them in 2007.

81. **Mr. Medrek** (Morocco) said that, as a member of UNCITRAL, Morocco continued to take a keen interest in the Commission's work in modernizing and harmonizing international trade law. That work was more necessary than ever in order to reduce and eventually eliminate legal barriers to international trade, especially those encountered by developing countries. His delegation was pleased to note that significant progress had been made during the thirty-ninth session with regard to security interests, arbitration and procurement.

82. Morocco welcomed the work done on the draft legislative guide on secured transactions and supported the recommendations approved by the Commission on the basic approaches to security that enshrined the comprehensive approach and the functional approach that should be followed in a modern secured transactions law. His delegation encouraged Working Group VI to submit the draft legislative guide to the Commission for approval in 2007.

83. Concerning the work under way in the area of arbitration and conciliation, the progress made with regard to draft legislative provisions on interim measures was welcome. His delegation agreed that the effectiveness of arbitration as a method of settling commercial disputes depended on the possibility of enforcing such interim measures. That being the case, there could be no question as to the need for a harmonized and widely acceptable model legislative regime governing interim measures granted by arbitral tribunals and ordered by courts in support of arbitration.

84. His delegation also welcomed the progress made concerning the draft legislative provision on the form of arbitration agreements and the adoption of the draft recommendation regarding the interpretation of article II (2) and article VII (1), of the New York Convention. The latter would ensure a uniform interpretation of certain provisions of the Convention without interfering with the competence of States parties to issue binding declarations regarding its interpretation. With respect to future work in the field of settlement of commercial disputes, Morocco favoured the revision of the UNCITRAL Arbitration Rules. It also encouraged the Commission to examine the issue of arbitrability.

85. With regard to the use of electronic communications and technology in the procurement process, his delegation was pleased with the preliminary agreement reached by Working Group I concerning the draft revisions to the UNCITRAL Model Law on Procurement of Goods, Construction and Services and its Guide to Enactment, and encouraged the Group to proceed with those revisions. Morocco also supported the efforts of Working Group III to prepare a legislative instrument on issues relating to the international carriage of goods by sea, and hoped that the Working Group would complete the final reading of the draft convention by the end of 2007 so that it could then be presented for finalization by the Commission in 2008. In relation to electronic commerce, his delegation believed that a comprehensive reference document would be of great use to legislators and policymakers, particularly in developing countries; it would also assist the Commission itself in identifying areas in which it might undertake future harmonization work.

86. Morocco attached great importance to technical assistance and capacity-building activities for the benefit of developing and transition countries. In that regard, his delegation was convinced of the need for additional effort to enable such States to participate in the work of UNCITRAL in order to ensure that their needs and interests were reflected in the end products of that work. Lastly, his delegation reiterated its support for the initiatives aimed at strengthening the Commission and improving its working methods.

87. **Mr. Wickremasinghe** (United Kingdom) said that his delegation had been pleased to take part in the discussion on the amendments to the UNCITRAL Model Law on International Commercial Arbitration, which had led, after many difficult sessions, to the finalization and adoption of legislative provisions on interim measures of protection and on the written form for arbitration agreements. The United Kingdom had also been pleased to participate in the recent meeting of Working Group II (Arbitration and Conciliation) that had begun work on updating the UNCITRAL Arbitration Rules. The focus of that important project should be to update those elements of the rules that, in the light of experience, required amendment. The United Kingdom actively supported the work of Working Group I (Procurement) and the current review of the UNCITRAL Model Law on Procurement of Goods, Construction and Services, which would afford an important opportunity to introduce modern procurement practices, such as electronic procurement, into the Model Law.

88. His delegation had taken part in the international insolvency colloquium held in Vienna in November 2005 to discuss and prioritize possible future work on insolvency law, and looked forward to contributing to the efforts of Working Group V (Insolvency Law) to establish international guidelines and best practice for the treatment of corporate groups in insolvency.

89. The United Kingdom welcomed the convening of an UNCITRAL congress in 2007 to review the results of past and current work programmes and to discuss topics for future work.

90. **Ms. Pasheniuk** (Ukraine) said that the importance of the issues dealt with by the Commission during its thirty-ninth session and the results achieved, in particular in the area of secured transactions, confirmed once again the key role of UNCITRAL in developing and harmonizing the rules governing international trade. The approval in principle of the key objectives and major policies of a draft legislative guide on secured transactions and the adoption of revised legislative provisions on interim measures of protection and the form of the arbitration agreement marked substantial additional steps in that direction. Those documents would significantly assist all States in enhancing their respective legislation or in formulating such legislation where none existed. Her delegation encouraged the Commission to continue its work on the preparation of legal standards that could provide a legal framework promoting access to low-cost secured credit.

91. Ukraine noted with satisfaction the adoption by the Commission of a recommendation regarding the interpretation of articles II (2) and VII (1) of the New York Convention, which would greatly promote uniform interpretation and application of the Convention. Ukraine also welcomed the decision of the Commission that Working Group V (Insolvency Law) should consider the treatment of corporate groups in insolvency, including post-commencement financing, with the work to compile practical experience on negotiating and using cross-border protocols to be undertaken informally in consultation with judges and insolvency practitioners. Her delegation believed that progressive developments in that area would promote uniform handling of transnational insolvency cases.

92. Her delegation attached great importance not only to the Commission's efforts to develop new international legal instruments and guidelines in the sphere of international trade, but equally to its activities aimed at ensuring effective implementation and wider appreciation of those instruments. Bearing in mind the Commission's limited resources, she wished to stress the importance of maintaining close cooperation between UNCITRAL and other international bodies and organizations engaged in activities relating to international trade law. Such cooperation would undoubtedly contribute to further unification and harmonization of legal rules and norms.

93. **Mr. Padukkage** (Sri Lanka) said that as the world became more globalized, there was an increasing need to unify international trade laws. The work of UNICTRAL was therefore central. His delegation believed that incorporating the provisions of UNCITRAL model laws into national legislation would enhance the competitiveness of many developing countries. Sri Lanka had signed the United Nations Convention on the Use of Electronic Communications in International Contracts, adopted the previous year, and had already begun the process of incorporating its provisions into its national legislation, notably the Electronic Transactions Act No. 19, enacted in March 2006. The Act also incorporated several features of the UNCITRAL Model Law on Electronic Signatures (2001). It marked an important development in his country's legal jurisprudence, facilitating domestic and international electronic commerce by eliminating existing legal barriers and encouraging the use of reliable forms of electronic commerce. In that connection, his delegation acknowledged the work carried out by Working Group IV (Electronic Commerce) and considered it appropriate that that work should continue, focusing on the topics identified by the UNCITRAL secretariat for future work in the area of electronic commerce.

94. His delegation congratulated the Commission for the achievements of the thirty-ninth session, in particular the approval in principle of the objective and major policies of a draft legislative guide on secured transactions and the adoption of revised legislative provisions on interim measures and the form of the arbitration agreement. Capacity-building for developing countries to enable them to adopt model laws and conventions was an indispensable element of the progressive development of international trade law. Sri Lanka therefore encouraged UNCITRAL to explore new avenues for strengthening its technical assistance programme and for addressing the resource constraints that had prevented many developing countries from participation in the Working Group meetings held in New York and Vienna.

95. Sri Lanka welcomed the progress in collection and dissemination of case law on UNCITRAL texts (CLOUT) and was happy to learn that 54 issues of CLOUT had been prepared for publication. His delegation encouraged UNCITRAL to continue to focus on enhanced cooperation and coordination with organizations engaged in the formulation of trade rules, which would avoid duplication and unnecessary complexities in the trade laws under consideration. Lastly, his delegation supported the convening of an UNCITRAL congress in 2007 and looked forward to submitting its views on the proposed programme.

The meeting rose at 1.05 p.m.

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Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session (*continued*)

Agenda item 100: Measures to eliminate international terrorism

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06-56361 (E)

The meeting was called to order at 10 a.m.

Agenda item 77: Report of the United Nations Commission on International Trade Law on the work of its thirty-ninth session (*continued*) (A/61/17)

1. **Mr. Makarowski** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) expressed appreciation for the Commission's efforts to maintain close cooperation with other international bodies and organizations active in the field of international trade law. Such coordination was key to success with regard to global trade and economic development. During the thirty-ninth session, the Commission had achieved significant results in the field of secured transactions and arbitration, including the approval in principle of the key objectives and major policies of the draft legislative guide on secured transactions, which would promote access to low-cost secured credit, and the adoption of the new provisions on interim measures of protection and the form of the arbitration agreement, which would facilitate the use of arbitration as a method of settling international commercial disputes. Important steps forward had also been taken in the Commission's work on revising the Model Law on Procurement of Goods, Construction and Services to reflect new practices, in particular those resulting from the use of electronic communications in public procurement. In the area of transport, Working Group III had made good headway in the development of a new international transport convention with multi-modal application. Progress had also been made with regard to insolvency law, and the Nordic countries were pleased with the Commission's plans for further deliberations in that area. The Nordic countries thanked the Commission and its secretariat for the excellent results obtained during the thirty-ninth session and looked forward to continue contributing to the development of international trade law.

2. **Mr. Guan** Jian (China) said that the main items discussed during the thirty-ninth session were forward-looking and represented areas in international trade in which harmonization and unification were urgently needed. The fact that the session had been attended by participants from countries and regions with varying degrees of economic development and different legal regimes, as well as participants from various international organizations, demonstrated the representative and authoritative nature of the Commission's work. His Government had always taken an active role in the drafting of international trade rules, believing that legal instruments such as conventions and model laws on international trade drafted by UNCITRAL played an important role in promoting the healthy development of international trade. During the thirty-ninth session of UNCITRAL China had signed the United Nations Convention on the Use of Electronic Communications in International Contracts. That instrument would help China in adopting and complying with international rules and regulations in the field of electronic commerce, thus facilitating international trade and promoting the development of e-commerce in China.

3. His delegation called upon the General Assembly to continue providing strong support to UNCITRAL. China hoped that Member States would continue deepening their involvement in the Commission's activities and work collectively towards the goal of unification of international trade law and development of international trade.

4. **Mr. Tajima** (Japan), commenting on the Commission's work on procurement, said it was essential to adjust the UNCITRAL Model Law on Procurement of Goods, Construction and Services in response to changes in circumstances, such as the recent expansion of the use of electronic communications and electronic reverse auctions in the area of procurement. His delegation hoped that Working Group I would be successful in addressing those changes. With regard to international arbitration and conciliation, Japan appreciated the revision of the UNCITRAL Model Law on International Commercial Arbitration completed by Working Group II. The Working Group had now begun revising the UNCITRAL Arbitration Rules. His delegation considered it important to modernize the Rules and looked forward to the outcome of the Working Group's efforts.

5. In the area of transport law, the work aimed at producing new uniform laws on the international carriage of goods by sea was of great importance, as it would establish clear rules that would facilitate the resolution of problems that existing legal frameworks did not address. However, careful deliberation would be required on the existing draft instrument, which comprised numerous articles and presented some difficult issues, including that of scope of application. His Government was cooperating in the drafting process and looked forward to further achievements in that area.

6. With respect to insolvency law, Japan expected Working Group V to continue making efforts to ensure the smooth and efficient disposition of insolvency and promoting its legal predictability through a careful examination of the treatment of corporate groups in insolvency. Regarding security interests, it was essential to formulate a legislative guide on security interests in goods, including legislative recommendations with respect to security rights pertaining to movable property. Such an instrument would promote the provision of credit and enhance economic growth and international trade through the creation of a flexible and effective legal framework for security interests. During its thirty-ninth session, the Commission had approved the substance of the recommendations of the draft legislative guide on secured transactions. His delegation hoped that careful consideration would be given to the other recommendations in order to facilitate the development of a harmonized international legal regime, taking into account the need for coordination of the existing national legislation of individual States in that area.

7. **Mr. Kuzmin** (Russian Federation) said that the main achievements of the Commission in the current year had been the preliminary approval of a draft UNCITRAL legislative guide on secured transactions and the adoption of legislative provisions on interim measures and the form of the arbitration agreement. The Russian Federation supported the continuation of the activities of all the working groups of the Commission, particularly those relating to transport law and procurement. He welcomed the signing by China, Singapore and Sri Lanka of the United Nations Convention on the Use of Electronic Communications in International Contracts during the Commission's thirty-ninth session and noted that the Convention was a vital legal instrument, given the increasing use of electronic document exchange in place of traditional contracts on paper. Noting that elections to the Commission were due to be held during the current session of the Assembly, he expressed the hope that the Commission would continue its fruitful work in enhancing the legal basis for international trade.

8. **Mr. Muchemi** (Kenya) joined previous speakers in noting that the draft legislative guide on secured transactions would facilitate low-cost credit and thus promote domestic and international trade. His delegation was confident that its broad scope would allow it to overcome obstacles to the international lending system by removing ambiguities in key areas; he looked forward to its adoption at the Commission's next session. Kenya welcomed the adoption of the revised provisions on interim measures and the form of the arbitration agreement, which would contribute to the harmonization of the related legislative regimes. The Commission's adoption of a declaration regarding the interpretation of certain provisions of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards was a significant development which would be taken into account by Kenya with a view to updating its own national laws and practices on international commercial arbitration. Kenya continued to follow with interest the work of the various working groups and endorsed the Commission's recommendations with regard to future work in the areas of electronic commerce and insolvency law. He commended the UNCITRAL secretariat for its ongoing efforts to increase cooperation and coordination with other international organizations active in the field of international trade law, which would help to eliminate duplication and reduce inconsistencies in international standards. In conclusion, he reiterated the views expressed by the African Group at the sixtieth session of the General Assembly regarding the lack of funding for technical assistance and capacity-building activities for developing countries. The high cost of attending the Commission's meetings, which was a matter of particular concern for developing countries was causing those meetings to become increasingly the preserve of trade law experts from developed countries. He therefore urged Member States to contribute to the UNCITRAL trust fund for travel assistance to Commission members from developing countries.

9. **Ms. Sunderland** (Canada) said that her delegation was pleased to note the work done by the Commission during its thirty-ninth session. The approval in principle of the substance of the recommendations in the draft UNCITRAL legislative guide on secured transactions was a particularly important step in the development of a global model for a modern secured financing regime. Canada looked forward to completion of the draft guide in 2007. Her delegation supported the Commission's decision to undertake new work in the area of insolvency law and to begin revising the UNCITRAL Arbitration Rules. Canada noted the progress made during the session on procurement issues in the context of the UNCITRAL Model Law on Procurement and in the negotiations on transport law, which her Government considered to be of great value. Canada reaffirmed its

support for UNCITRAL and its intention to continue participating in the Commission's unique work.

10. **Mr. Ghaniei** (Islamic Republic of Iran) said that his delegation recognized the need for gradual harmonization of national laws to keep pace with current global trends. However, Iran wished to support the wise advice offered by several members of the Commission during the thirty-ninth session concerning the revision of the UNCITRAL Arbitration Rules of 1976 (A/61/17, para. 184). It was evident that those Rules enjoyed wide-ranging recognition and had served as a model for national legislation in numerous countries, including his own, as well as for dispute settlement mechanisms in bilateral investment protection agreements. The Commission should therefore take a very cautious approach to revising the Rules, so as not to harm the desired flexibility of the text in its current form.

11. His delegation commended the decision to entrust the Commission's secretariat with the task of preparing, in cooperation with relevant organizations, in particular the World Intellectual Property Organization (WIPO), a note discussing the scope of future work by the Commission on intellectual property financing and to organize a colloquium on the subject, ensuring the participation of relevant international organizations and experts from various regions of the world. His delegation also welcomed the Commission's decision to hold, during the last week of its fortieth session, a congress on international trade law to review and reflect on past achievements, assess the current work of UNCITRAL and consider future activities. Iran believed that the congress would also provide a good opportunity to evaluate the contributions of other organizations working in the field of international trade law.

12. **Mr. Karangizi** (Chairman of the United Nations Commission on International Trade Law (UNCITRAL)) thanked delegations for their extensive comments and suggestions on the current and future work of UNCITRAL, particularly those relating to the area of the rule of law, which would help to ensure that UNCITRAL continued its sound work on the development, modernization, harmonization and unification of international trade law. The Commission had taken on board the Committee's comments and suggestions on organizational and administrative issues, including the need for increased technical assistance, especially capacity-building for developing countries. He sincerely hoped that the calls for increased contributions to the UNCITRAL trust fund would be heard, so that the secretariat would have the wherewithal to carry out the necessary technical assistance and cooperation work. He was optimistic that UNCITRAL would continue to complete its agenda in a timely fashion, and he hoped that all Member States would be represented at the congress in 2007.

Agenda item 100: Measures to eliminate international terrorism (A/61/37, A/61/178, A/61/210 and Add.1, A/61/280)

13. **The Chairman** recalled that the General Assembly had adopted the United Nations Global Counter-Terrorism Strategy on 8 September 2006 (A/RES/60/288) and noted that the plan of action adopted as part of the Strategy called for Member States "... to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism". The Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 was at the continued disposal of delegations to conduct informal consultations on the outstanding issues relating to the draft comprehensive convention, and he urged delegations to avail themselves of that opportunity and continue in their good faith negotiations, with a view to finalizing the work on that important instrument.

14. **Mr. Perera** (Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996), introducing the Ad Hoc Committee's report (A/61/37), said that between 27 February and 3 March 2006 the Ad Hoc Committee had held two plenary meetings and four rounds of informal consultations, as well as informal contacts, on the draft comprehensive convention on international terrorism. It had also held a round of informal consultations on the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. The atmosphere of the negotiations had been both positive and constructive. Detailed and incisive discussions had been held on various aspects of the draft comprehensive convention, including, in particular, possible ways in which the process could be advanced further. Although delegations had been unable to reach agreement on the outstanding issues, they had been earnest in their desire to continue negotiations with a view to reaching consensus.

15. There seemed to be substantial agreement on the importance of preserving the integrity of the bulk of the text. There was also a general sense that a solution to the outstanding issues revolved around draft article 18. A number of innovative ideas and approaches had been broached during his contacts with delegations, including the possible development of fresh proposals that would narrow the gap between various viewpoints, as well as a possible refinement of the language of some of the proposals submitted for discussion. It was evident, however, that more time would be required for some of those approaches and ideas to mature into language that was concrete and viable as a basis for a solution.

16. He hoped that delegations would seize the current opportunity to explore all possible avenues for resolving the issues impeding the adoption of the draft convention. Consistent with the commitment made by world leaders in the 2005 World Summit Outcome, the international community must seize the momentum gained through the adoption of the United Nations Global Counter-Terrorism Strategy and continue its work by further developing a comprehensive legal framework to combat terrorism.

17. **Mr. Al-Naqbi** (United Arab Emirates) said that terrorism represented a direct threat to all human values and to global peace and security. It was therefore incumbent on all States and organizations to intensify efforts to eliminate that scourge, including by examining its causes, as recommended in the Secretary-General's report (A/60/825). That report also emphasized that combating terrorism should not be used as a pretext for violating human rights and restricting civil freedoms. History had shown that oppression, coercion and discrimination encouraged the development of extremism. Terrorism should not be associated with a particular region, civilization, religion or culture. Tolerance and dialogue among cultures and civilizations should be promoted. He reiterated his Government's support for the holding of an international conference, under United Nations auspices, in order to establish a clear definition of terrorism, strengthen anti-terrorism laws and their non-selective implementation, and differentiate terrorism from the legitimate struggle of peoples under foreign occupation for national liberation and self-determination.

18. The United Arab Emirates, in implementation of the relevant Security Council resolutions, had established a national counter-terrorism committee comprising various government agencies and had also adopted federal laws on counter-terrorism and money-laundering. Other new laws prohibited affiliation with terrorist groups and association with their activities. Steps had also been taken to combat the financing of terrorism and to improve customs and border control.

19. The United Arab Emirates had strengthened its regional and international cooperation on information exchange and was a party to various international counter-terrorism instruments, including the International Convention for the Suppression of Acts of Nuclear Terrorism. It had also intensified its cooperation with Security Council committees with a view to closing loopholes in its legislation and implementing resolutions that called for the tracing and freezing of terrorist funds. Lastly, it was a party to the Gulf Cooperation Council security strategy for combating terrorism and the Arab Convention on the Suppression of Terrorism.

20. **Mr. Prasad** (India) said that all acts of terrorism were criminal and unjustifiable, as set out in the 1994 Declaration on Measures to Eliminate International Terrorism and other relevant international instruments. In recent months, India had again been subjected to horrific terrorist attacks in which more than 200 people had been killed and over 1,000 injured. Thanks to the resilience of ordinary people, the attacks had failed in their attempt to spread terror, harm the economy and trigger unrest. The continued killing of innocent civilians around the world reinforced the importance of a coordinated global approach to combating terrorism. It was to be hoped that the recently adopted United Nations Global Counter-Terrorism Strategy would unite the international community in the determination not to tolerate the sponsoring of terrorism or the provision of safe haven to terrorists.

21. India continued to believe that agreement could be reached on the draft comprehensive convention on international terrorism, despite the fact that the deadline set in the 2005 World Summit Outcome (A/RES/60/1) had passed. A further effort must be made, with flexibility on all sides, to finalize and adopt the text. The inclusion of a reference to international humanitarian law might allay some of the outstanding concerns. A high-level conference under United Nations auspices should be convened only after the draft convention had been completed.

22. India attached great importance to the comprehensive legal framework established by the United Nations to combat terrorism. It also appreciated

the counter-terrorism efforts of the United Nations Office on Drugs and Crime (UNODC), as outlined in document A/61/178, especially the Office's technical assistance activities at the national, subregional and regional levels to strengthen the legal regime against terrorism. Its work had helped to increase the number of ratifications of the international instruments against terrorism. The resources allocated to UNODC for its counter-terrorism activities should be increased.

23. **Mr. Akram** (Pakistan) said that, for historical and geographical reasons, Pakistan was in the front line of the global campaign against terrorism. It had captured more than 700 Al-Qaida terrorists and had broken the organization's central command and control system. In addition, its efforts had helped to pre-empt several terrorist plots, including the recent plot to blow up airliners departing from London. Pakistan was also helping to promote peace, stability and economic development in neighbouring Afghanistan. It had deployed 80,000 troops along the border and had conducted many operations against Al-Qaida and Taliban terrorists in the border region. Close cooperation between the two countries and the international community would make it possible to defeat the resurgent Taliban in Afghanistan.

24. In the context of the United Nations Global Counter-Terrorism Strategy, Pakistan was committed to intensifying international cooperation in the operational aspects of the campaign to eliminate terrorism. It also attached great importance to implementation of the measures outlined in the international instruments against terrorism and in the relevant Security Council resolutions. It was necessary, however, to ensure observance of the rule of law and due process in the implementation of such measures. To that end, Pakistan supported reform of the procedures of the Security Council committees, with a view to addressing problems such as the arbitrary application of sanctions and the difficulty of appealing against them. An early review of procedures would enhance the credibility of international action against terrorism and terrorist groups.

25. The Strategy had broadened the scope of the counter-terrorism campaign to encompass, for the first time, measures to address the root causes of terrorism and the wider aim of eliminating extremism and promoting harmony among civilizations. Moreover, the requirement in the Strategy that States should refrain from participating in terrorist activities represented a major advance in efforts to address terrorism comprehensively and equitably. The Strategy also stressed the need to prevent the defamation of particular religions and communities in the fight against terrorism. The inaccurate portrayal of Islamic beliefs fuelled extremism and terrorism and exacerbated divisions between the Islamic and Western worlds. An honest dialogue between Islam and the West had become a political imperative. Such a dialogue could be pursued through the Alliance of Civilizations and other similar initiatives, such as President Musharraf's concept of "enlightened moderation".

26. However, the Strategy would be of little value unless it was accompanied by an effective implementation mechanism. He therefore suggested that an ad hoc committee of the General Assembly should be established to monitor the implementation of the Strategy and specify its medium- and long-term objectives. In that context, the Counter-Terrorism Implementation Task Force should submit an annual report to the General Assembly on the implementation of the Strategy.

27. With regard to the draft comprehensive convention on international terrorism, Pakistan supported the position of the Organization of the Islamic Conference. The blanket exclusion of armed forces from the purview of the draft convention was unacceptable and inconsistent with the condemnation of terrorism set out in the 2005 World Summit Outcome. Terrorist acts committed by armed forces while suppressing a people's struggle for self-determination, during the course of a foreign occupation or in instances of genocide should not be excluded. It was not sufficient to argue that their activities were governed by the Geneva Conventions and their Protocols — so were the activities of irregular groups and guerrilla movements.

28. Pakistan remained open to discussion of any new proposal in that regard, but wished to reiterate its own previous proposal, which was to include in the draft convention the language of paragraph 81 of the 2005 World Summit Outcome, which condemned "terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes", and to delete article 18, paragraphs 2 and 3, of the draft. If others insisted on retaining those paragraphs, it would be necessary to qualify and limit the exclusion of armed forces, for example, by defining the conditions under which such an exclusion was possible or by affirming that the provisions of the draft convention did not constrain the legitimate right of peoples to struggle for self-determination or against foreign occupation.

29. **Mr. Chowdhury** (Bangladesh) said that the Committee had been instrumental in the development of the international conventions on terrorism. That work had taken on even greater importance since the terrorist attacks of 11 September 2001. His delegation commended the efforts made so far to conclude the draft comprehensive convention on international terrorism and would cooperate in every possible way to complete that task.

30. The causes of terrorism were often deeply rooted in injustice, inequality, subjugation and exploitation. The use of force might contain the threat temporarily, but a holistic approach was needed to eliminate it permanently.

31. Bangladesh had ratified 12 of the international conventions on terrorism and was currently completing the constitutional procedures for accession to the recently adopted International Convention for the Suppression of Acts of Nuclear Terrorism. It was also a party to the Regional Convention on Suppression of Terrorism of the South Asian Association for Regional Cooperation. It had put in place the necessary domestic legislation on terrorism and was in full compliance with its obligations under the relevant Security Council resolutions.

32. Bangladesh regretted the increasingly frequent attempts to link terrorism with one religion, namely Islam. Such attempts not only ignored Islam's contribution to world culture but were also ill-considered, as they provoked distrust and division. Attention should instead be focused on building bridges. In that connection, he commended to all delegations the resolution on the culture of peace that Bangladesh would be sponsoring, as in previous years.

33. A clear distinction should be drawn between terrorism and legitimate struggles against foreign occupation and for self-determination and independence. Bangladesh itself had achieved independence through a war of liberation, much of which had been conducted in an unconventional manner, like all such wars. Any attempt at political use of anti-terrorist sentiment to suppress genuine freedom movements was bound to backfire. That fact must be taken into account in any definition of terrorism. However, acts of terrorism against innocent people were abhorrent, and strict laws, both domestic and international, should be put in place accordingly. The United Nations should provide resources for capacity-building in that regard.

34. The adoption of the United Nations Global Counter-Terrorism Strategy was a landmark achievement. The international community must now seize the opportunity to conclude the draft comprehensive convention on international terrorism, for the sake of both current and future generations.

35. **Mr. Beck** (Palau) said that Palau was committed to promoting a global response to the problem of international terrorism and welcomed the Committee's continuing efforts towards the conclusion of a comprehensive convention on the subject. His country faced a unique threat from terrorism, since a single terrorist attack against it could be devastating for its tourist industry and hence for its development. He called on all Member States to show flexibility in the negotiations and to entertain compromise solutions in the few remaining areas of disagreement. Care should be taken to ensure that the final product of those negotiations was consistent with the United Nations Global Counter-Terrorism Strategy and that it did not appear to be condoning some forms of terrorism while condemning others. It was also important to avoid creating redundancy and confusion in international law. He therefore urged Member States to guard against the reiteration of well-established principles of international humanitarian law in their negotiations on the draft convention, which should seek to address behaviour not yet covered by international law. On the question of convening a high-level conference on international terrorism, his delegation believed that it would not be appropriate until the negotiations on the draft convention had been completed; he accordingly urged that they be completed during the current session of the General Assembly.

36. **Mr. Barriga** (Liechtenstein) said that Liechtenstein condemned terrorism in all forms, without distinction, and remained committed to the international fight against it. In considering the question, the Sixth Committee had to take into account a separate development in the form of the United Nations Global Counter-Terrorism Strategy. It should focus on the main outstanding task, namely the conclusion of the negotiations on the draft comprehensive convention. Political will and pragmatism would be needed to that end, along with proactive leadership. The negotiations should centre on the text and its legal interpretation and not be concerned with its political implications. It could not be expected to provide an overarching definition of terrorism or to add much to the scope of existing

international conventions; rather, it should fill the gaps between them and be applicable to States parties thereto that were not parties to an otherwise applicable sectoral convention. It would not affect the right to self-determination, nor would it make a distinction between terrorism and that right; the proposal of the Organization of the Islamic Conference on article 18 of the draft text expressed that very idea. All actors must, however, comply with international humanitarian law and other rules governing armed conflict. In order to clarify the relationship between the new instrument and international humanitarian law, his delegation proposed that the convention should not interfere with the rules of armed conflict by criminalizing conduct that would not otherwise be prohibited under international humanitarian law. Further, the convention should not deal explicitly with State terrorism, but nor should it exclude it. In any case, article 18 of the draft convention, in particular, could be seen as bringing acts that might be qualified as State terrorism within the scope of the convention. Lastly, the convention would not be comprehensive, but merely complement existing international instruments in that area; indeed, it would be better described as "general".

37. **Mr. Mohamad** (Sudan) said that the Sudan attached great importance to the current agenda item; it emphatically condemned all forms of terrorism, including State terrorism, and resolutely supported all efforts to eradicate it. In that spirit, it had consequently ratified the 12 sectoral counter-terrorism conventions and was considering acceding to the International Convention for the Suppression of Acts of Nuclear Terrorism. International cooperation to discharge the collective responsibility of combating terrorism should be guided by the principles of international law, including the Charter of the United Nations and the relevant international instruments, in which connection the Sudan supported all genuine efforts to produce a comprehensive convention on terrorism. Such efforts would be wasted, however, if they failed to address the economic, social and political factors that favoured the growth of terrorism, in particular foreign occupation and denial of the right to self-determination. Terrorist trends were also fuelled by the deliberate confusion of terrorism with struggles for liberation and independence, as well as by the calculated disregard of State terrorism. Moreover, the insidious tendency to link terrorism with persons belonging to a particular religion or culture broke the international consensus and called into question the motives for the counter-terrorism campaign. An ardent proponent of tolerance and dialogue among cultures and religions, his country was disturbed by the mounting pace of an organized campaign of attack against followers of the Islamic faith, including manifestations of disrespect for their Prophet, which, in its view, amounted to a form of terrorism worse than any involving the killing of civilians.

38. He supported the convening of a high-level conference on terrorism, as well as the Saudi Arabian initiative for the establishment of an international counter-terrorism centre. The Sudan had hosted a second regional counter-terrorism conference in September 2005 in the context of its role as an active regional player. In the war against terrorism, the United Nations should ensure that a perspective based on law and reason was maintained in order to avoid any worsening of the terrorism threat, intimidation of civilians or abandonment of human rights in the name of that war. The United Nations Global Counter-Terrorism Strategy was, however, a disappointment in that it omitted to define terrorism, make a distinction between terrorism and the right of peoples to self-determination or address State terrorism. It should therefore be reviewed for the purpose of making it fully effective and comprehensive. The Sudan would continue to support all United Nations efforts aimed at eradicating the destructive phenomenon of terrorism.

39. **Mr. Al-Hajri** (Qatar) said that his country vigorously condemned all forms of terrorism. It had enacted a number of counter-terrorism laws and acceded to various regional and international counter-terrorism conventions. It was also considering accession to other relevant international treaties and instruments. It supported the United Nations efforts to combat and eradicate terrorism but at the same time called for a distinction to be made between terrorism and the struggle of oppressed peoples and their right to engage in a legitimate struggle for independence. Recently adopted by consensus, the United Nations Global Counter-Terrorism Strategy failed to address that extremely significant issue and made no mention of State terrorism, which was one of the most serious threats to which weaker countries could be subjected on numerous pretexts.

40. With regard to the proposed comprehensive convention on terrorism, he stressed the importance of consensus, to which end the text should include a definition of terrorism that took into account the distinction between terrorist acts and the struggle of

peoples for liberation and in resistance to all forms of foreign occupation. It should also be based on the principle of fighting terrorism through peaceful means that included the removal of injustices, the restoration of rights and democratization. Another principle was the need to strengthen dialogue and understanding as a way of dealing with regional conflicts and preventing the random targeting of religions and cultures. Such a consensus text would be conducive to the success of any international conference on terrorism convened under United Nations auspices, an idea which he supported.

41. Firm emphasis was currently being laid on the achievement of justice, equality, mutual respect and shared interests by countering the challenges posed by, for example, poverty, natural disasters, organized crime and illegal trafficking in arms and drugs, which would in turn have a positive impact on curbing violence and terrorism. As always, Qatar continued to cooperate with the Counter-Terrorism Committee and comply with its legal responsibilities to implement the Security Council resolutions on terrorism. It was also making use of its role as a temporary member of the Security Council to propose moves aimed at strengthening the terrorism-related committees and enhancing their procedures.

42. **Ms. Sotaniemi** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Moldova and Ukraine, said that no cause or grievance justified terrorism, which continued to be one of the most serious threats to international peace and security. It was a global menace and required a global response. The European Union therefore applauded the adoption by consensus of the United Nations Global Counter-Terrorism Strategy, which signalled the Member States' strength and determination in pursuit of a common goal. Implementation of that Strategy required enhanced cooperation within the United Nations system. For that reason, the European Union welcomed the institutionalization of the Counter-Terrorism Task Force, for which Member States needed to ensure the necessary resources.

43. The European Union urged Member States to accede to all the existing United Nations counter-terrorism conventions and protocols, which were the legal core of anti-terrorism measures. It commended the United Nations Office on Drugs and Crime for the technical assistance it provided to States in that connection and stressed that anti-terrorism measures must respect the rule of law and comply with international law, in particular humanitarian, human rights and refugee law.

44. The European Union remained fully committed to efforts to conclude a draft comprehensive convention on international terrorism, which should be the priority of the Sixth Committee. Lasting success in eradicating terrorism could, however, only be achieved if the conditions that helped to produce it were addressed. In addition, efforts should be made to disrupt the activities of networks and individuals that spread terrorism; the European Union, for its part, was pursuing that aim through its Strategy for Combating Radicalization and Recruitment to Terrorism. It attached great importance to the prohibition by law of incitement to terrorism and urged Member States to match their national legislation with the provisions of Security Council resolution 1624 (2005). Under the Council of Europe Convention on Prevention of Terrorism, adopted in 2005, States parties were required to adopt measures to treat incitement to terrorism, recruitment for terrorism and terrorist training as criminal offences. In addition, the European Union would continue its efforts to strengthen dialogue between cultures. In conclusion, he stressed the importance of eliminating duplication in reporting.

45. **Ms. Ferrari** (Saint Vincent and the Grenadines), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM condemned terrorism in all its forms and was ready to work with all Member States for its eradication. CARICOM States had themselves suffered from terrorist acts that had remained especially painful because the perpetrators had gone unpunished. All victims of terrorism deserved justice; no terrorist should be allowed to act with impunity.

46. Adoption of the United Nations Global Counter-Terrorism Strategy was a significant achievement; Member States should move to implementation without delay. The Strategy document should make it clear that neither those who gave comfort to terrorists nor those who failed to take the necessary steps to curb terrorism within their borders would be tolerated. The Strategy should also address the conditions conducive to terrorism, in particular through the adoption of an integrated approach.

47. CARICOM countries were concerned about the burden placed on them by reporting obligations and,

while acknowledging the efforts made by the Counter-Terrorism Committee to assist developing countries in meeting those obligations, she stressed the need to streamline them and to find ways of alleviating the burden. CARICOM attached importance to ensuring respect for human rights and civil liberties in all counter-terrorism action and emphasized that any definition of terrorism should acknowledge the legitimate struggle of peoples for self-determination. In conclusion, she reiterated CARICOM's support for the convening of a high-level international conference under the auspices of the United Nations to formulate a joint response of the international community to terrorism in all its forms.

48. **Mr. Yousfi** (Algeria) said that his Government condemned terrorism in all its forms and manifestations. The limitations of unilateral action against a threat which disregarded borders meant that States must join forces under the auspices of the United Nations. The latter had a central role to play since its instruments offered a suitable legal framework for endeavours to fight terrorism. His country, which had suffered greatly through terrorism, was pleased that the international community had demonstrated an awareness of the constant danger terrorism posed to international peace and security.

49. The United Nations Global Counter-Terrorism Strategy provided a basis for coordinating existing mechanisms for combating terrorism, strengthening Security Council action and securing closer cooperation with other international organizations. Moreover, it reiterated the principle of the right to self-determination. Any simplistic confusion between terrorism and the legitimate struggle of peoples under colonial domination for their independence must be avoided. It would be unjust to deny such a right, although it must be exercised in keeping with international humanitarian law.

50. State terrorism, to which it referred to in section II of the Strategy, was a reality, as recent crimes in Lebanon and Palestine had shown. The international community must resolutely condemn and find a response to that form of terrorism. Measures to deal with terrorism should tackle not only its symptoms but also its underlying causes. It was vital to consolidate international cooperation in the struggle against terrorism. That meant that all States should become parties to the relevant international instruments and adopt collective measures, particularly in the areas of mutual judicial assistance and the exchange of information between counter-terrorism services. The inclusion of the principle of extradite or prosecute in the Strategy would help to end impunity and misuse of the right of asylum.

51. Terrorism was not the monopoly of any one religion, ethnic group, culture or geographical area. Any singling out of a religion, culture or civilization would be inimical to a calm and careful analysis of terrorism. All religions, including Christianity, Islam and Judaism, imparted a message of peace and brotherhood, but marginal groups claiming to act in God's name had distorted that message. Initiatives within the United Nations to promote dialogue between cultures and civilizations deserved support. The sources of financing for terrorism had to be cut off and its logistic support networks dismantled.

52. The General Assembly had a central role to play in securing international peace and security. It would therefore be desirable if the Sixth Committee could set up a working group to explore ways of overcoming the current deadlock on the draft comprehensive convention on international terrorism, so that the instrument could be adopted as soon as possible.

53. **Mr. Ben Lagha** (Tunisia) said that the ongoing threat of global terrorism and the alarming rise in the number of attacks all over the world brought home the urgent need to respond firmly to that threat. His Government therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy.

54. Despite the measures taken by the General Assembly and the Security Council, the legal framework put in place by the United Nations was incomplete because it did not offer a comprehensive, unified approach. The General Assembly should therefore pursue consultations in an effort to reach agreement on a draft comprehensive convention which would fill the gaps and meet the concerns of all parties. It was to be hoped that States would demonstrate sufficient political will to overcome their differences. Nevertheless, the adoption of such a convention should not be seen as an end in itself and should not prevent the international community from seriously considering every possible means of fighting terrorism through a multidimensional approach which went to the root of that international scourge. The factors which promoted its spread were linked to the challenges facing the modern world, which stemmed from poverty, exclusion and frustration born of double standards and the lack of fairness in dealing with long-standing international problems.

55. It would therefore be helpful to convene an international conference under the auspices of the United Nations to draw up an international code of conduct for the struggle against terrorism, by which States could voluntarily abide as a token of their political and moral attachment to certain international principles.

56. His Government, which was deeply attached to the values of tolerance and moderation, regretted the upsurge of unfortunate incidents which stirred up hatred among cultures and fostered radicalism and extremism. Tolerance and dialogue among civilizations, accompanied by greater understanding among religions and cultures, were essential to the success of joint efforts to quell terrorism.

57. **Ms. Blum** (Colombia) hailed the adoption of the United Nations Global Counter-Terrorism Strategy, which reflected the determination of all the members of the General Assembly to face up to terrorism in a coordinated and forceful manner. While dialogue between civilizations and human rights education were of fundamental importance for rapprochement and understanding, practical steps should be taken to prevent, contain and penalize all perpetrators of acts of terrorism. Those steps should, however, be in keeping with the rule of law at the national and international levels.

58. The plan of action annexed to the Strategy ought to lead to closer international cooperation to synchronize practical action by Member States, which should apply immediately all the measures set forth in that instrument. At the same time, no effort should be spared to build the capacity of States to prevent and combat terrorism and to give the victims of that scourge all due assistance. It went without saying that human rights and the rule of law had to be fully observed in the battle against terrorism.

59. Her country, which had experienced repeated acts of terrorism, agreed with the Strategy and was determined to step up its international cooperation in order to ensure the Strategy's full implementation. Similarly her Government favoured the adoption of a comprehensive convention on international terrorism and therefore urged delegations to overcome their differences and reach a consensus.

60. Although the institutions in Colombia had faced constant challenges from terrorism, the democratic security and defence policy, designed to champion the democratic order and the rule of law, had helped gradually to restore the trust of the population and of investors. That had been reflected in a revival of the economy. An active Government presence in all four corners of the country had made it possible for all mayors, irrespective of their political complexion, to exercise their functions in the municipalities where they had been elected. There had also been a substantial drop in terrorist attacks in both towns and the countryside, in violent crime and in the number of murders and kidnappings.

61. Although there was still a long way to go before the scourge of terrorism could be vanquished completely, those results showed that determination on the part of peoples and Governments to break up terrorist organizations plus an overall international strategy were the prerequisites for achieving that aim. A commitment to democracy and the well-being of nations made it imperative to band together in order to guarantee that the force of reason and not the injustice of force governed the destiny of humankind.

62. **Ms. Al-Ghanem** (Kuwait) said that her country condemned terrorism in all its forms and manifestations. Terrorism was incompatible with all religions and human values and it was inadmissible to link it with any ethnicity, group or religion. In the same vein, respect for human rights and international law was a vital consideration in the fight to eliminate it. She welcomed the United Nations Global Counter-Terrorism Strategy, together with its plan of action, and stressed the importance of ensuring its constant vitality through periodic updating in the light of new developments. Its momentum should be harnessed to conclude a comprehensive counter-terrorism convention containing a full legal definition of terrorism and terrorist acts, which should not be confused with the right of peoples to self-determination and freedom from occupation. She similarly welcomed the move to convene a high-level conference on terrorism under the auspices of the United Nations and supported the establishment of an international counter-terrorism centre. As for its own efforts at the international and regional levels, Kuwait had actively participated in various dialogues and conferences on the subject and was exploring ways of strengthening cooperation with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC). A bill on counter-terrorism was to be submitted to the Kuwaiti National Assembly as soon as the current drafting exercise was complete and Kuwait

would be submitting its fifth report to the Counter-Terrorism Committee in the very near future.

63. **Mr. Le Luong Minh** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN member countries strongly condemned terrorism in all its forms and manifestations. Terrorism was one of the most serious threats to international peace and security and constituted the most flagrant violation of international law. It endangered the territorial integrity and stability of States and had an adverse impact on their economic and social development.

64. Counter-terrorism measures must be comprehensive, balanced and in compliance with international law. At the same time, it was vital to address the root causes of terrorism. No religion, civilization or ethnic group should be stigmatized as terrorists. The United Nations must continue to play a leading role in the fight against terrorism. The adoption of the United Nations Global Counter-Terrorism Strategy had therefore been a welcome move. The ASEAN countries looked forward to the conclusion of a comprehensive convention on international terrorism in the near future. Moreover, they were committed to preventing, suppressing and eliminating international terrorism in accordance with the Charter of the United Nations and international law. They had spared no effort to build and strengthen coordination and cooperation in their own region and with other regions to that end. The annual ASEAN Ministerial Meetings on Transnational Crime played a significant role in enhancing joint action to combat terrorism and transnational crime. All ASEAN member countries had signed the regional Treaty on Mutual Legal Assistance in Criminal Matters which would heighten the effectiveness of such action, and they were striving to conclude an ASEAN convention on counter-terrorism.

65. ASEAN member countries were doing more to share intelligence on terrorism between security-related bodies and national authorities. Efforts had been made to improve the capacity of counter-terrorism agencies and to further collaboration between regional centres. In the field of extraregional cooperation, ASEAN had issued joint declarations with a large number of countries.

66. ASEAN would continue to work together with the international community, especially with the United Nations, in order to combat international terrorism, since it believed that such efforts would ensure peace and stability and create an environment conducive to sustainable development, progress and prosperity throughout the world.

67. **Mr. Sandage** (United States of America) said that every year delegations came together to reaffirm their commitment to making the world safer from terrorism and to remember the innocents who had lost their lives in horrific acts of carnage and senseless acts of violence. Yet a few people still argued that such acts could be justified by reason of a political cause or movement. The international community had, however, repeatedly rejected that premise. The Committee's job was therefore to ensure that terrorists were isolated from support, brought to justice and denied the opportunity to strike again. Such action had to be in conformity with human rights law, refugee law and international humanitarian law.

68. As a cornerstone of the international community, the United Nations must play a crucial role in joint efforts to end the scourge of terrorism. It was to be hoped that the United Nations Global Counter-Terrorism Strategy would furnish a platform for practical improvements in the United Nations counter-terrorism programmes.

69. His Government was eager to see more cooperation among the United Nations bodies working on terrorism issues in order to avoid inefficiency and duplication of effort. Because fighting terrorism, State-building and development were mutually dependent, counter-terrorism should be addressed across the United Nations system in a coordinated manner. Enhancing the United Nations capacity to beat terrorism would have far-reaching benefits in that it would reduce the likelihood of conflict and social unrest and contribute to increased foreign investment, good governance and long-term development.

70. More emphasis should be placed on ensuring that States complied with international counter-terrorism obligations, since that was vital to the common purpose of making the world more peaceful, safe and secure. Standards of accountability against which the compliance efforts of each State could be measured were needed in order to ensure that those obligations were honoured. States which had the will but not the means to comply must be given assistance. His Government was therefore eager to work with its United Nations partners on capacity-building to help the willing stand against

terrorism. States which had the means but not the will should be called to account.

71. The Security Council had already assumed an important role in marshalling international efforts against terrorism through the creation of a truly global sanctions regime. The improved listing request procedures of the Security Council Committee established pursuant to resolution 1267 (1999) ought to give Member States enhanced opportunities for participating in the sanctions process. It was, however, of critical importance that sanctions were properly implemented and he therefore looked forward to working with colleagues on monitoring strategies for achieving that fundamental objective and on addressing concerns about the fairness and transparency of the process. It was to be hoped that the revision of the de-listing guidelines to ensure that de-listing petitions were given serious consideration would strengthen that important tool in the world's counter-terrorism arsenal.

72. The adoption of a directory of best practices relevant to the implementation of resolution 1373 (2001) by the Counter-Terrorism Committee was a positive step, because the directory referred to standards established by international technical organizations. The State visits and capacity-building endeavours of the Counter-Terrorism Committee and its Executive Directorate deserved support. The Counter-Terrorism Committee and the Directorate should do all that was necessary to make their activities more relevant and accessible to donor and recipient communities. The Counter-Terrorism Committee would face significant challenges in its attempts to develop best practices. In that connection, it should take account of the two core elements reflected in General Assembly resolution 1624 (2005), namely the international community's appreciation that it was important for States to take appropriate measures in accordance with the resolution to address incitement to terrorism and that those measures were implemented in diverse constitutional systems, including those which afforded strong protection for free expression. The Counter-Terrorism Committee's careful and respectful approach to those complex issues was greatly valued.

73. It was disappointing that it had proved impossible to address successfully the issues of whether the draft comprehensive convention on international terrorism would apply to national liberation movements and of the extent to which military activities would be excluded from the offences it covered. It was essential that agreement on the convention should be reached on terms in keeping with existing international legal instruments negotiated under the auspices of the United Nations and its subsidiary bodies. The adoption of a comprehensive convention which filled the gaps in the international legal framework relating to acts of terrorism would be a very positive step, provided it upheld the principles developed over decades of work.

74. **Mr. El-Sager** (Libyan Arab Jamahiriya) said that the threat of terrorism was a global phenomenon; it was not specifically confined to any one country and nor could it be fought unilaterally. The fight to eliminate it therefore demanded concerted international efforts, including a clear definition of terrorism that took into account its motives and causes. With that aim in mind, his country had been among the first to call for the convening of an international conference on terrorism under United Nations auspices, in which connection he affirmed the imperative need to differentiate between a terrorist act that was a criminal offence under international law and the right of peoples to self-determination and legitimate self-defence. Terrorism was also unrelated to any particular religion or nationality and efforts to fight it should not be used as a pretext for violation of the rule of law or human rights or for interference in internal affairs. As for State terrorism, it was to be roundly condemned as no less serious a form of terrorism than that committed by groups and individuals, which the proposed comprehensive convention on international terrorism would seek to address. His country was actively involved in the international efforts to combat terrorism; it had acceded to the 12 international counter-terrorism conventions and to Arab and African conventions on the subject, in addition to which it had signed the International Convention for the Suppression of Acts of Nuclear Terrorism. It also cooperated fully with the Security Council Committee established pursuant to resolution 1373 (2001).

The meeting rose at 1 p.m.

United Nations A/C.6/61/SR.3

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Held at Headquarters, New York, on Thursday, 12 October 2006, at 10 a.m.

Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Agenda item 100: Measures to eliminate international terrorism (*continued*)

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06-56674 (E)

The meeting was called to order at 10.05 a.m.

Agenda item 100: Measures to eliminate international terrorism (*continued*) (A/61/37, A/61/178, A/61/210 and Add.1 and A/61/280)

1. **Mr. Lim** (Singapore) said that, despite the international community's best efforts since the attack on the World Trade Center on 11 September 2001, the threat of terrorism continued to lurk and it was clear that terrorists were planning for the long term. The attacks which had been perpetrated since 2001 were not isolated incidents, but were part of a broader campaign. The methods which had been employed also pointed to sophisticated planning by a transnational network of cells and individuals spread out across the world. Global terrorism posed a new security challenge because terrorists did not respect national, geographic, religious or ethnic boundaries; it tested the resilience of countries' social fabric by fomenting distrust and disrupting racial and religious harmony.

2. The launching of the United Nations Global Counter-Terrorism Strategy underscored the world's commitment to fight terrorism. States would fall into the terrorists' trap if terrorism were to be associated with particular religions, nationalities, civilizations or ethnic groups. Building on initiatives like the Alliance of Civilizations and the Tripartite Forum on Interfaith Cooperation for Peace to bring civilizations together would provide a far more effective response.

3. The United Nations had long displayed its commitment to countering terrorism, but terrorist organizations had become increasingly sophisticated and it was not unreasonable to assume that they would use more destructive weaponry if ever they had the chance. Since the idea of terrorists acquiring weapons of mass destruction was absolutely chilling, all States must move quickly and decisively to prevent them from doing so.

4. His Government had endeavoured to implement measures to increase security in a number of vital areas and had seriously studied the threat of bioterrorism. Its experience with Severe Acute Respiratory Syndrome (SARS) in 2003 had taught it the value of establishing ties between the local scientific community and agencies involved in security, safety and health. Confidence-building measures helped to dispel rumours, and other measures such as home quarantine avoided disruption of day-to-day living. Greater public awareness and social harmony were also powerful tools for countering terrorism, but no matter how effective national measures were, it was still vital to exchange intelligence and join in counter-terrorist activities with regional partners.

5. The adoption of the United Nations Global Counter-Terrorism Strategy was a good first step, and it was to be hoped that the consensus reached on the Strategy would provide impetus for the negotiations on the draft comprehensive convention on international terrorism.

6. Terrorism threatened the very principles on which the United Nations was founded. Member States must not allow terrorists to divide and destroy them. Their efforts within the Committee were part of the process of winning the war on terrorism.

7. **Mr. Adamou** (Niger) said that his Government vigorously condemned the atrocious events of 11 September 2001 which had, however, led to the mobilization of the international community and the adoption of numerous instruments aimed at the prevention and elimination of one of the biggest threats to international peace and security, namely terrorism.

8. The adoption of the United Nations Global Counter-Terrorism Strategy had been an auspicious development, since it had demonstrated that all the Member States were aware of the grave threats stemming from terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purpose. His Government fully endorsed the Strategy, but urged all Member States to pursue their endeavours to close the main gaps in it, notably the lack of a clear and universally acceptable definition of the notion of terrorism, so that negotiations on the draft comprehensive convention could be successfully concluded.

9. Although the authorities of his country were concerned by other issues connected with fighting poverty and promoting development, during the current year they had contributed to the struggle against terrorism by ratifying three of the main counter-terrorism instruments. Nevertheless they believed that the best way to eradicate that scourge was to remove its underlying causes. The extremely difficult, or even inhuman, conditions in which the majority of people on the planet lived could foster such deviant behaviour. It was therefore essential for the international community

to take account of economic aspects, fairness, justice and respect for human rights and human dignity in any approach to counter-terrorism.

10. **Mr. Malmierca Díaz** (Cuba) said that Cuba emphatically condemned all acts, methods and practices of terrorism in all its forms and manifestations, by whomsoever and against whomsoever committed and wherever they occurred, irrespective of their motivations, including those in which States were directly or indirectly involved. Cuba had never allowed and would never allow its national territory to be used to carry out, plan or finance terrorist acts against any other State, without exception. At the same time, Cuba strongly rejected the use of counter-terrorism as a pretext to justify intervention in the internal affairs of sovereign States. Similarly, it rejected the manipulation by some States of the inherent right to self-defence to justify State-sponsored acts of terrorism.

11. Terrorism was a phenomenon that had to be fought by the entire international community in an atmosphere of close cooperation, with respect for the Charter of the United Nations and international law. His delegation was therefore pleased that the General Assembly, reaffirming its key role in matters related to international peace and security, had adopted the United Nations Global Counter-Terrorism Strategy. Nevertheless, it would be impossible to eradicate terrorism if some terrorist acts were condemned while others were hushed up, tolerated or justified.

12. It was important to endeavour to conclude negotiations on the draft comprehensive convention on international terrorism in order to fill the legal lacunae that existed in previous United Nations instruments on the prevention and suppression of international terrorism. A comprehensive convention on international terrorism should contain a clear and precise definition of the crime of terrorism, including all its forms and manifestations, setting out the material and mental elements of the crime and the responsibilities of both natural and legal persons. The activities of State armed forces that were not governed by international humanitarian law should not be excluded from the scope of application of the future comprehensive convention, as such an exclusion could be used to justify actions by some States aimed at destabilizing others. A comprehensive convention should also draw a clear distinction between terrorism and the legitimate struggle of peoples for self-determination.

13. Cuba fully supported all legitimate international efforts to prevent terrorists from acquiring weapons of mass destruction and their delivery systems. However, his delegation was of the view that the only sure way to ensure that weapons of mass destruction did not fall into the hands of terrorists was to prohibit and eliminate such weapons altogether.

14. Since 1959, the Cuban people had been the victims of countless terrorist acts, which had resulted in the death or injury of thousands of people and caused the country huge economic losses. It was well known that such terrorist acts were planned, financed and executed from the territory of the United States of America, where for more than four decades dozens of recognized and self-confessed terrorists had been circulating freely, perpetrating attacks against his country with impunity. His delegation wished to recall that under the terms of Security Council resolution 1373 (2001), those who harboured terrorists or provided financing for acts of terrorism were just as guilty of terrorism as those who actually committed such acts.

15. Orlando Bosch, one of the persons responsible for the mid-air bombing of a Cuban airliner 30 years earlier, not only walked free on the streets of Miami, but frequently appeared on television and gave interviews to the press, boasting entirely without remorse about his numerous terrorist acts against Cuba. Another of those responsible for that crime was the notorious international terrorist Luis Posada Carriles. The United States refused to comply with its international obligation either to try him or to extradite him to the Bolivarian Republic of Venezuela to face charges. Although the United States Government itself acknowledged that Posada Carriles was a dangerous terrorist, he was currently being held in Texas, charged only with illegal immigration. Moreover, a few days earlier a federal judge had recommended his release, and the Attorney General had declined to submit the overwhelming evidence in his possession that proved that Posada Carriles was a known terrorist.

16. Those who were harbouring Luis Posada Carriles, Orlando Bosch and other known terrorists on their territory were the same people who were holding, in maximum-security prisons, five Cuban men who were true warriors against terrorism: Gerardo Hernández,

Ramón Labañino, Fernando González, Antonio Guerrero and René González, who had only been trying to obtain information about Miami-based terrorist groups in order to prevent them from committing violent acts and save the lives of Cuban and United States citizens.

17. Cuba would not rest until Posada Carriles, Orlando Bosch and other terrorists of their ilk were convicted of their crimes. Cuba would continue to support the legitimate request by the Bolivarian Republic of Venezuela for the extradition of Posada Carriles. Cuba would continue to denounce the cruel detention of five heroes in the war against terrorism. The Cuban people would not give up their battle to have them returned, their freedom and dignity restored, to their homeland. Cuba would, however, with full respect for international law, continue lending its unstinting support for all genuine efforts of the international community to fight the scourge of terrorism.

18. **Mr. Kanu** (Sierra Leone) said that terrorism in all its forms and manifestations constituted a threat to civilization. Notwithstanding the concerted efforts of the international community, it was on the increase all over the world. No terrorist act or systematic attacks on civilian populations could be justified for any cause whatsoever. His Government condemned terrorism in all its forms and manifestations committed by whomever and wherever, but it believed that the exercise of the legitimate rights of States, peoples and individuals under international law should not be regarded as terrorism.

19. The adoption of the United Nations Global Counter-Terrorism Strategy showed that, provided States had the political will and commitment, they could find a compromise solution to the pressing issues facing humankind. If the same spirit of commitment were demonstrated at the current session, it would be possible to complete work on the draft comprehensive convention on international terrorism.

20. The current approach to combating terrorism had not been successful because it had failed to address the root causes of the phenomenon. Terrorism was not exclusive to a particular region, people or religion; it had infested the international body politic like fleas infesting the body of an animal. Scratching a flea bite simply caused the flea to move to another part of the body. The best way of tackling the problem of terrorism, therefore, would be to convene an international conference under the auspices of the United Nations to formulate a unified response. All stakeholders, including non-State actors, should be invited to the conference, which should be mandated to examine all aspects of terrorism, including its root causes.

21. **Mr. Makayat-Safouesse** (Republic of the Congo) said that the adoption of the United Nations Global Counter-Terrorism Strategy was a big step forward in the collective response to a scourge which could be eradicated only by concerted international action. Since his Government rejected terrorism in any form and for whatever purpose, because it undermined the foundations of States and the values underpinning the United Nations, it had ratified most of the relevant conventions and had striven tirelessly to implement the measures introduced by Security Council resolution 1373 (2001) and those adopted by the Organization of African Unity to prevent and combat terrorism. It had presented three reports to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (Counter-Terrorism Committee) and had set up an interdepartmental coordinating body to harmonize the provisions of the penal code with those of international legal instruments on combating terrorism and international organized crime.

22. In that connection his Government was grateful for the technical assistance it had received from the United Nations Office on Drugs and Crime (UNODC). As closer international cooperation was essential of international terrorism was to be vanquished, he called on all donors to provide adequate funding for technical assistance activities. The latter were indispensable for many developing countries whose action at the national level often became mired in difficulties related to the training of experts, the techniques of implementing conventions and the establishment and running of financial intelligence services.

23. The work of the Counter-Terrorism Committee and of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, together with the activities of other United Nations bodies, illustrated the Organization's ability to mobilize Governments and issue universal, binding standards.

24. He endorsed the comments contained in the report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 (A/61/17) and looked forward to the rapid conclusion of the negotiations on the draft comprehensive convention on international terrorism, which should culminate in an international conference held under the auspices of the United Nations.

25. **Mr. Pratomo** (Indonesia) said that the successful adoption of the United Nations Global Counter-Terrorism Strategy bore witness to the international community's earnest efforts to seek collective ways to combat the scourge of terrorism. It would be necessary to implement the Strategy assiduously if it were to yield tangible results.

26. His Government condemned terrorism in all its forms and manifestations and had made it a top priority of national security policy. It was searching for effective ways of eradicating the root causes of terrorism through multilateral cooperation and global partnership. The international counter-terrorism campaign could be won only through a comprehensive and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations, international law and international human rights covenants.

27. His country's authorities had enacted several laws to curb terrorism, had acceded to six of the relevant international legal instruments and had submitted written reports to the Counter-Terrorism Committee, the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities and the Security Council Committee established pursuant to resolution 1540 (2004). In collaboration with the Australian Government, they had established the Jakarta Centre for Law Enforcement Cooperation, which would help to consolidate concerted action in the Asia and Pacific region.

28. Rejecting any notion that associated terrorism with any religion, nationality, civilization or ethnic group, he noted with concern the growing tendency to suggest that such a link existed. It was therefore extremely important to build cultural bridges and to use dialogue to promote mutual understanding in a process that embraced community leaders, scholars and the mass media. Interfaith dialogue was a tool for nurturing tolerance among peoples of different cultural and religious backgrounds. It would also help to promote an awareness of the dangers of radicalism and extremism, both of which might fuel terrorism. In order to win the hearts and minds of people, it was equally important to display a commitment to resolving the conflicts caused by foreign occupation and to addressing local grievances deriving from socio-economic marginalization.

29. Similarly, it was essential to lay a strong legal foundation for combating terrorism. It was therefore to be hoped that the adoption of the United Nations Global Counter-Terrorism Strategy had generated enough momentum to expedite the conclusion of negotiations on the draft comprehensive convention on international terrorism at the current session. In order to achieve such an outcome it would, however, be necessary to arrive at a convergence of viewpoints on the definition of terrorism. The convening of a high-level conference under the auspices of the United Nations might facilitate the flexibility required for such a meeting of minds.

30. **Mr. Kerr** (Australia), speaking on behalf of Canada, Australia and New Zealand (CANZ), said that the CANZ delegations condemned all acts of terrorism, committed wherever, by whomever and for whatever purpose. The terrorist attacks of the past year pointed up the need for the international community to remain vigilant against the threat of terrorism and united in its unequivocal condemnation of it. Terrorism was a global phenomenon which required a global response. The CANZ group therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, the most comprehensive counter-terrorism statement ever adopted by the General Assembly. The CANZ delegations called on all States to implement the Strategy and, in so doing, to refute extremist ideologies, which the CANZ group regarded as one of the conditions which might be conducive to the spread of terrorism. In its modern guise, terrorism was often committed, wrongly, in the name of religion. Australia, Canada and New Zealand were committed to addressing the threat presented by terrorists such as Osama bin Laden and Ayman al-Zawahiri, whose radical ideology had been taken up transnationally by others who found it compelling.

31. The Strategy incorporated some, but not all, of the recommendations put forward in the report of the Secretary-General (A/60/825). The CANZ group therefore believed that that report remained a valuable

contribution to United Nations counter-terrorism efforts. The three countries also strongly supported the ongoing counter-terrorism work of the committees established pursuant to Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004), and urged all States to meet their obligations under those and other relevant Security Council resolutions. Those obligations could, however, place heavy burdens on smaller developing countries, such as those of the Pacific Islands Forum. The CANZ group remained concerned about the heavy counter-terrorism reporting requirements imposed by subsidiary bodies of the Security Council, and called on the Council to consider ways to reduce that burden.

32. The United Nations had been effective in establishing counter-terrorism norms at the global level, but remaining gaps in the legal framework should be closed in order to prevent future terrorist attacks. All States should become parties to the 13 existing counter-terrorism conventions. At the same time, States must redouble their efforts to conclude the draft comprehensive convention on international terrorism, thereby demonstrating an unambiguous commitment to criminalize all terrorist acts and to cooperate in the prosecution of those responsible for such acts.

33. At the regional level, the CANZ countries were actively engaged in countering the terrorist threat. In Canada, the Counter-Terrorism Capacity-Building Programme provided training, funding, equipment, technical and legal assistance to other States to enable them to prevent and respond to terrorist activity in a manner consistent with international counter-terrorism and human rights norms, standards and obligations. New Zealand, too, had dedicated funding to assist with counter-terrorism capacity-building in the Pacific region. New Zealand convened the Pacific Islands Forum Working Group on Counter-Terrorism each year and was a strong supporter of the Asia-Pacific Regional Interfaith Dialogue, which aimed to address some of the underlying factors that could lead to terrorism.

34. Australia had adopted a comprehensive range of measures and allocated significant funding to build counter-terrorism capacity in South-East Asia and the Pacific. Australian agencies had developed extensive collaboration with regional counterparts in key counter-terrorism areas such as law enforcement, defence, border and transport security, financial monitoring, intelligence and legal affairs. The CANZ group would continue to work at the national, regional and global levels, and in close cooperation with other States, to overcome the grave threat of terrorism.

35. **Mr. Popkov** (Belarus) said that terrorism had become one of the most serious threats to the international community, to the security of mankind and to the stability of social and political institutions in all regions of the world. The barbaric acts of terrorism perpetrated on 11 September 2001 had ushered in a new phase in combating all manifestations of terrorism and had presented the international community with two alternatives for countering that scourge: the path of force or the path of peace. Despite the adoption of Security Council resolution 1373 (2001), which had laid the foundations for the establishment of a peaceful global coalition against terrorism, priority had been given to methods of force for crushing terrorism.

36. Although the United Nations Global Counter-Terrorism Strategy did not fully cater to the interests of all States, it demonstrated the international community's awareness of the fact that it was impossible to quell terrorism through force alone. The advantage of the Strategy was that it contained measures aimed not only at depriving terrorists of the means for carrying out their sinister acts, but also at eliminating the underlying causes of terrorism. Implementation of the Strategy would make it possible to overcome the shortcomings and bias of the global antiterrorist coalition.

37. His Government condemned terrorism as a means of waging a political struggle, even when the latter was aimed at achieving just objectives. Yet the justified indignation of the international community over international terrorism's brutal attacks must not be used to whittle away the legitimate rights of States and peoples. International law must be observed and fundamental human rights and freedoms must be preserved when fighting terrorism.

38. His Government endeavoured to cooperate closely with the three main Security Council committees involved in countering terrorism, and it was a party to 12 of the international conventions on combating terrorism. The International Convention for the Suppression of Acts of Nuclear Terrorism was in the process of being ratified in his country. Moreover, his Government fully supported the Security Council

resolutions on fighting terrorism and broadening the dialogue among civilizations.

39. All States must fully cooperate in the struggle against terrorism in accordance with their obligations under international law. The chief aim of such cooperation was the identification of those who supported terrorism or who participated in the financing, planning, preparation or execution of terrorist acts or who provided safe haven for terrorists. The adoption of a comprehensive convention on international terrorism would provide the soundest basis for the joint fight against terrorism by filling the serious gaps which existed in international legal standards and by giving a new meaning to the campaign to stamp out terrorism. It was to be hoped that consensus would soon be reached on the draft convention and that differences of opinion regarding some of its provisions would not be an obstacle to preserving the integrity of the text. To that end, he urged the convening of a high-level international conference on terrorism.

40. Belarus was willing to cooperate in the struggle against terrorism at the regional level as well, and to that end it participated in the counter-terrorist activities of the Commonwealth of Independent States and the Collective Security Treaty Organization. Europe must act in a more united manner in order to face up to the threat of international terrorism and transnational organized crime. Although his Government was unable to accede to all the international legal instruments and counter-terrorist programmes of the Council of Europe because they were closed and did not provide for the participation of all the contributors to European security, it was pursuing a targeted policy of stemming the tide of illegal migration to western Europe, since there were grounds for believing that such migration was bolstering terrorist groups and criminal gangs. In that regard, his delegation felt that international conventions on combating crime and terrorism should not be closed, and those adopted by regional international organizations should allow the access of all States in the region to the mechanisms for cooperation established in them.

41. **Mr. Arrad** (Bahrain) said that Bahrain welcomed the emphasis by the Secretary-General's report, entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (A/60/825), that the struggle against terrorism should not be used as a pretext for the violation of human rights and freedoms, that it should abide by international law and that it should address the underlying causes of terrorism. His delegation also welcomed the adoption by the General Assembly of a counter-terrorism strategy that was global and confronted terrorism directly, and commended the Security Council for its resolution 1373 (2001) and other relevant resolutions.

42. Terrorism was not tied to any particular religion, culture or ethnicity, and Bahrain stood against efforts to link it with Islam, which was in its essence a religion of moderation and restraint. Bahrain was party to 11 of the 13 international terrorism-related conventions, had hosted the Middle East and North Africa Financial Action Task Force (MENAFATF), established in November 2004, and continued to act in coordination with its neighbours within the framework of the Gulf Cooperation Council (GCC) Counter-Terrorism Convention (2004). The current Assembly session should adopt a comprehensive counter-terrorism convention that settled all outstanding issues, including defining terrorism and distinguishing it from the legitimate struggle of peoples for independence, and should convene a high-level international counter-terrorism conference under United Nations auspices.

43. **Mr. Lauber** (Switzerland) said that his delegation welcomed the adoption of the United Nations Global Counter-Terrorism Strategy because it provided the Organization, for the first time in its history, with a comprehensive plan of action for combating terrorism on a global scale. Switzerland hoped that the General Assembly would go on, without delay, to adopt the draft comprehensive convention on international terrorism, which would complement the 13 existing conventions and protocols. His delegation regretted that differences of opinion between Member States on such fundamental issues as the definition of terrorism had not yet been resolved, and hoped that work on the text of the convention would be resumed in the same spirit of international cooperation that had prevailed during the discussions on the Strategy. Switzerland would welcome the establishment of an ad hoc working group for that purpose, with a view to finalizing the convention by the opening of the sixty-second session of the General Assembly, at the latest.

44. The Strategy was balanced and consistent. It was now essential for the international community to put in place the necessary structures for its implementation at the international and national levels. The institutionalization of the Counter-Terrorism

Implementation Task Force within the Secretariat was a first encouraging step in that direction. The Global Counter-Terrorism Strategy stressed respect for the rule of law and for human rights, which Switzerland believed was essential in order to enhance the legitimacy of counter-terrorism action. It was necessary, for example, to establish transparent procedures for the listing and de-listing of persons on United Nations sanctions lists. In that connection, his delegation welcomed the publication as document A/60/887 of a white paper entitled "Strengthening targeted sanctions through fair and clear procedures", commissioned by his country together with Germany and Sweden.

45. **Ms. Bakyono** (Burkina Faso) said that terrorism was unquestionably the greatest current threat to international peace and security. Her country shared the conviction that no State could battle terrorism on its own. The United Nations had a central role to play in coordinating the fight against terrorism, which must, unquestionably, take place in an atmosphere of respect for human rights and international law. Success, however, would depend in part on the legal arsenal that countries had at their disposal. Accordingly, countries should spare no effort to resolve the differences that remained and arrive at a consensus on the draft comprehensive convention on international terrorism, which should be binding on all Member States.

46. The battle against terrorism must be fought on several fronts, addressing all its various manifestations and, in particular, its root causes. Her delegation therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, and called on all Member States to commit themselves fully to implement it through practical measures at the national, regional and international levels.

47. Burkina Faso was grateful for the efforts of United Nations agencies and other international organizations to assist States in strengthening their capacity to fight terrorism. Her country had participated in the Madrid Ministerial Round Table of West and Central African Countries on a Counter-Terrorism Legal Framework in May 2006 and in the training seminar for members of the Economic Community of West African States (ECOWAS) in July 2006. In keeping with the declarations and plans of action adopted at those two events, Burkina Faso urged States and international organizations to promote an ongoing dialogue and joint activities aimed at strengthening their cooperation in order to prevent and suppress terrorism effectively.

48. **Mr. Talbot** (Guyana), speaking on behalf of the Rio Group, said that the Group reaffirmed its strong condemnation of terrorism in all its forms and manifestations. The Rio Group recognized the adoption of the United Nations Global Counter-Terrorism Strategy as one of the most significant actions taken by the General Assembly to enhance international cooperation among Member States in the fight against terrorism, and reiterated its willingness to contribute actively to the Strategy's implementation. The countries of the Rio Group called on all partners and on the international community as a whole to build from that important step the foundation for an inclusive and dynamic process aimed at developing successful common initiatives and a shared capacity to face new challenges while countering terrorism.

49. In implementing the Strategy, it was important to take a holistic approach that included the preventive aspect of counter-terrorism. To that end, the Rio Group recognized the need for policies that promoted poverty eradication, sustained economic growth, sustainable development, democracy, global prosperity, human rights for all and the rule of law, as well as the peaceful resolution of conflicts and the elimination of foreign occupation and oppression. Such policies should include measures aimed at improving intercultural understanding and ensuring respect for all religions and cultures.

50. The Rio Group called upon Member States to settle any disputes by peaceful means, in conformity with international law, and to refrain from the use or threat of force in international relations. Any actions against terrorism must rest on respect for and protection of human rights and fundamental freedoms, although it had to be recognized that terrorist acts themselves constituted a threat to the right to life, liberty and security that resulted in disrespect for human rights, fundamental freedoms and democracy. In combating terrorism, all Member States must fully comply with their human rights obligations and respect international law, in particular refugee law and international humanitarian law. Regretfully, such compliance had not been uniform throughout the world community. Serious abuses had occurred and continued to occur.

51. Some efforts to counter terrorism had generated victims of their own, causing further tragedy. Although most of the so-called "collateral damage" was categorized as unintentional, there must be a strong commitment to eliminating such occurrences and averting the often irreversible consequences. Sanctions regimes that related to terrorism must be implemented in strict observance of human rights and the dignity of individuals. Due process and the rule of law must be scrupulously followed by all United Nations bodies whose mandates included counter-terrorism, in particular the Counter-Terrorism Committee. The Rio Group recognized the need to improve the Committee's procedures so as to ensure respect for due process and the right of all parties to be heard. He encouraged the Committee to proceed resolutely in its delicate and important tasks, such as the revision of its procedures for listing and de-listing of individuals and associations.

52. The Rio Group stressed the importance of promptly completing the draft comprehensive convention on international terrorism. The Rio Group trusted that the convention could be agreed during the present session of the General Assembly and that a high-level conference on terrorism could be convened under the auspices of the United Nations. To that end, it encouraged a redoubling of the efforts of the Ad Hoc Committee established under General Assembly resolution 51/210.

53. The Rio Group took note of the recommendation presented by the Secretary-General in his report on "Measures to eliminate international terrorism" (A/61/210) regarding the streamlining of reporting procedures and would examine both the proposal and the consequences that it might have with regard to making information available to the members of the General Assembly. The Rio Group hoped that there could be greater coordination and coherence between the Security Council and the General Assembly in order to ensure that Member States received the latest information on the matter.

54. **Mr. Getahun** (Ethiopia) said that Ethiopia condemned and categorically rejected all acts, methods and practices of terrorism, in all its forms and manifestations. His delegation welcomed the adoption of the United Nations Global Counter-Terrorism Strategy. The Strategy, coupled with other United Nations instruments on terrorism, should serve as a global platform to intensify the fight against the global menace of terrorism.

55. Ethiopia, as one of the multitude of countries affected by the scourge of terrorism, had redoubled its efforts to combat it through legislative, law enforcement and other appropriate measures aimed at preventing terrorist attacks, apprehending the culprits and bringing them to justice, enhancing aviation and border security, drafting additional national legislation, enforcing legal controls on named suspects, ensuring strict financial control and signing bilateral mutual legal assistance treaties.

56. Universal adherence to international and regional instruments against terrorism was one critical aspect of enhancing international cooperation in tackling the global threat of terrorism. Ethiopia was actively pursuing the ratification of all the United Nations conventions on terrorism. Enhancing the capacity of States to respond effectively to the challenges of terrorism should also be given high priority. In Africa, the African Centre for Studies and Research on Terrorism and the recently established Intergovernmental Authority on Development (IGAD) Capacity-Building Programme against Terrorism were important landmarks deserving continued support from United Nations bodies.

57. The issue of building State capacity to defeat terrorism was well placed within the overall strategy advocated by the Secretary-General of dissuading people from resorting to or supporting terrorism, denying terrorists the means to carry out an attack, deterring States from supporting terrorism and defending human rights. Ethiopia would implement all aspects of that comprehensive approach to counter-terrorism, and it joined other delegations in urging adoption of the draft comprehensive convention without further delay.

58. **Mr. Tachie-Menson** (Ghana) said that tackling terrorism was one of the central challenges of the twenty-first century. His delegation therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, which provided a basis for addressing the conditions conducive to terrorism while ensuring respect for human rights. It also signalled the resolve of the international community to unite in its efforts to combat terrorism.

59. It was to be hoped that the Strategy would provide an impetus to the negotiations on the draft

comprehensive convention on international terrorism. Although progress had been made, it was regrettable that disagreement on a few outstanding issues had stalled the finalization of the text. His delegation reiterated its view that the condemnation of "terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes" — the language used in the 2005 World Summit Outcome and in the new Strategy — should form the basis of any definition of terrorism in the draft convention. That formulation might also help to unlock the stalemate on other issues.

60. The text should make it clear that no cause, ideology, religion, creed or grievance justified the deliberate and wanton killing of civilians and non-combatants. The definition of terrorism should be a purely legal formulation; in other words, it should not be coloured by political, religious, cultural or other considerations. The draft convention should also have as one of its objectives the creation of mechanisms for providing reparations to the victims of terrorist acts. There should be a clear distinction between victim and perpetrator. The incorporation of those principles would result in a text that had moral authority and credibility.

61. Terrorism threatened the whole basis of civilization and the progress made over the ages in many fields of human endeavour. Every effort should therefore be made to reach agreement on the draft convention.

62. **Mr. Al-Adhami** (Iraq) said that Iraq supported all measures necessary to eradicate the scourge of terrorism. It shared the Secretary-General's view, contained in his report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (A/60/825) that whatever grievances terrorists claimed to be responding to, terrorism could not be justified and that the United Nations must maintain the moral high ground in this regard. Iraq's interest in the matter was not merely academic, since it was subject to daily acts of terrorism that were brutalizing its citizens and impeding its reconstruction efforts. Both national counter-terrorism laws, such as Iraq's recently enacted banking and counter-terrorism laws, and international cooperation were necessary to combat terrorism. But while the adoption of international instruments and resolutions was important, the international community also had to study the factors that drive certain individuals to commit these vicious acts, an issue addressed by the Secretary-General's report when it stated that any comprehensive counter-terrorism strategy must include a long-term component addressing conditions conducive to exploitation by terrorists. Terrorism would remain with us until its underlying causes and motivations were dealt with.

63. **Mr. Markiman** (Malaysia) welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy and the plan of action it contained. He also commended the efforts of the United Nations Office on Drugs and Crime (UNODC) to identify needs for technical assistance in the implementation of the international instruments against terrorism and to provide a mechanism for liaison between donor and recipient countries.

64. Malaysia reiterated its commitment to concerted action to combat international terrorism. As recognized in the Strategy, such action must encompass political, humanitarian, economic and social perspectives if the conditions which bred extremism and encouraged recourse to violence were to be overcome. The root causes of the problem must be addressed.

65. Malaysia was continuing to work towards accession to all the United Nations counter-terrorism conventions and protocols. It had recently ratified the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, and expected to accede to the International Convention for the Suppression of the Financing of Terrorism and the International Convention against the Taking of Hostages by the end of 2006. Legislative amendments to ensure compliance with other relevant obligations were also in progress.

66. In addition, Malaysia was continuing its efforts to conclude treaties on mutual legal assistance in criminal matters and extradition with interested countries. The Treaty on Mutual Legal Assistance in Criminal Matters among members of the Association of Southeast Asian Nations (ASEAN), concluded in 2004, had now been signed by all 10 members of ASEAN and was in force among four of them, including Malaysia. Malaysia was also working with its fellow ASEAN members on the elaboration of an ASEAN convention on counter-terrorism, in line with the Vientiane Action Programme for an ASEAN Security Community.

67. Malaysia remained committed to finalizing the draft comprehensive convention on international terrorism and urged Committee members to continue their efforts to resolve the outstanding issues. To that end, Malaysia hoped that the Working Group of the Sixth Committee would be convened during the current session. With regard to the question of convening a high-level conference on terrorism under the auspices of the United Nations, Malaysia took the view that the preparatory work for such a conference should proceed in tandem with the continued deliberations on the draft convention. Alternative approaches could also be considered, as suggested by the sponsor delegation.

68. **Mr. Samy** (Egypt) said that while the United Nations had achieved notable success in establishing a legal framework criminalizing terrorism and enlarging the scope of international counter-terrorism cooperation, greater efforts were necessary. The United Nations Global Counter-Terrorism Strategy recognized that terrorism was not merely a security problem to be dealt with by the Security Council and sanctions committees, but a multifaceted phenomenon with political, economic and social dimensions. The General Assembly was the proper venue for addressing those dimensions, and in the coming period, the General Assembly needed to accomplish two things. The first was to finalize the text of the draft comprehensive convention on international terrorism. That would require the bridging of differences, particularly on article 18, which would not happen without flexibility on the part of all concerned. The key was to establish a distinction between the Convention's legal regime as an instrument of international criminal law and the international humanitarian regime governing relations between warring parties.

69. Secondly, the General Assembly should convene an international counter-terrorism conference under United Nations auspices. That required bridging the North-South divide and addressing the underlying causes of terrorism, chief among them the occupation of other people's lands by force and the commission of State terrorism under the cover of implementing United Nations resolutions. Terrorism needed to be dealt with in a way that limited casualties from the war on terrorism, which were exceeding the casualties of terrorism itself. Dialogue among civilizations also needed to be deepened so as to end the sense of privilege on the part of some religions and cultures over others.

70. **Ms. Coelho** (Angola) said that terrorism continued to cause irreparable damage to human lives around the world. The recently adopted United Nations Global Counter-Terrorism Strategy could serve as the foundation for the cooperation needed to combat terrorism successfully. Angola joined the international community in condemning terrorism in all its forms and manifestations. No cause could ever justify the deliberate killing of innocent people.

71. In fulfilment of its international obligations and as part of its efforts to combat terrorism, Angola had ratified the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism and was taking steps to ratify other relevant legal instruments. It was also taking action at the bilateral and multilateral levels in line with counter-terrorism agreements concluded within the framework of the Southern African Development Community (SADC), the Community of Portuguese-Speaking Countries (CPLP) and the African Union.

72. **Mr. Kazykhanov** (Kazakhstan) said that the continuing terrorist attacks around the world served as a painful reminder that terrorism remained a serious threat to all States and peoples. He expressed sorrow at the loss of innocent lives and sympathy for the families of victims.

73. Kazakhstan had consistently condemned terrorism in all its forms and manifestations, but recognized that no country could successfully fight it alone. His Government therefore welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy. It was also in the collective interest of all to conclude the negotiations on the draft comprehensive convention on international terrorism.

74. The elimination of poverty, unemployment, illiteracy and discrimination was key to the prevention of terrorism. More attention should also be paid to sustainable development and the socio-economic impact of globalization. Furthermore, the fight against terrorism must be conducted in compliance with the purposes and principles of the Charter of the United Nations and in such a way as to avoid linking terrorism to any particular civilization, ethnic group or religion.

75. His delegation fully supported the call to promote dialogue, tolerance and understanding among civilizations as a means of combating terrorism. In that regard, Kazakhstan had recently hosted the Second Congress of Leaders of World and Traditional Religions, whose

participants had agreed that the use of violence in the name of religion had nothing to with a genuine understanding of religion and constituted a threat to humanity. They had also affirmed the importance of inter-faith dialogue. The declaration adopted by the Congress had been circulated as a document of the sixty-first session of the General Assembly and of the Security Council (A/61/378-S/2006/761).

76. Regional and subregional arrangements, such as the Conference on Interaction and Confidence-building Measures in Asia (CICA), played a critical role in efforts to combat terrorism. CICA currently had 18 members and 8 observer States. At the Second CICA Summit, held in Almaty in 2006, a declaration on eliminating terrorism and promoting dialogue among civilizations had been adopted (A/60/910-S/2006/444).

77. Kazakhstan remained committed to working with other Member States to combat the threat of terrorism.

78. **Mr. Badji** (Senegal) said that terrorism constituted the most serious threat to the international peace and security that the United Nations had been set up to maintain. It therefore required a unanimous and determined response from the international community. The recently adopted United Nations Global Counter-Terrorism Strategy set out just such a response. However, in order to be successful, the Strategy must be capable of adapting to the ever-changing methods employed by terrorists.

79. He commended the efforts being made by the Security Council committees and the different institutions of the United Nations system to harmonize and strengthen their action against terrorism. He also welcomed the Secretary-General's intention to institutionalize the Counter-Terrorism Implementation Task Force. The recent meeting of Ministers for Foreign Affairs from West and Central Africa organized by UNODC with the support of the Government of Spain, which had issued a declaration and a plan of action for cooperation in combating terrorism, had also been an important initiative.

80. More resources were needed for technical assistance to help States fulfil their obligations under the relevant General Assembly and Security Council resolutions. Nonetheless, the United Nations conventions against terrorism, together with the various bilateral and regional agreements in force around the world, represented a powerful tool in efforts to combat terrorism. His delegation invited all States to ratify those instruments and implement them in full.

81. Commending the work done so far on the draft comprehensive convention on international terrorism, he said that momentum must be maintained so as to reach a final agreement on the text, including a clear definition of terrorism. His delegation remained of the view that the struggle of peoples against foreign occupation could not be assimilated to terrorism. Nonetheless, that fundamental right must be exercised within the bounds of international law. Moreover, the various international human rights instruments must be scrupulously respected in the fight against terrorism. At the same time, dialogue among religions, cultures and civilizations should be instituted so as to promote understanding and harmony among peoples. Senegal would continue to play its part in efforts to combat terrorism.

82. **Mr. Jeenbaev** (Kyrgyzstan), speaking on behalf of the Shanghai Cooperation Organization (SCO), said that terrorism, which SCO condemned in all its forms and manifestations, remained one of the most serious threats to international peace and security. The increasing number of countries and regions affected by terrorism and the ever-changing methods employed by terrorists required a coordinated global response. The fight against terrorism must be conducted in full compliance with the purposes and principles of the Charter of the United Nations and other standards of international law, including those relating to human rights. Double standards should be avoided, and any attempt to associate terrorism with any particular civilization, ethnic group or religion should be resisted. It was also vital to encourage dialogue among cultures and civilizations so as to promote mutual respect and understanding.

83. For the fight against terrorism to be effective, preventive measures should be accompanied by legislative and law enforcement measures, as well as efforts to address the conditions conducive to the spread of terrorism. The leading role of the United Nations in combating terrorism, through both the General Assembly and the Security Council, should be enhanced. In that connection, SCO welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, in particular the practical measures it proposed with regard to national capacity-building.

84. Since its founding, SCO had made it a priority to enhance security mechanisms in the face of new threats and challenges. The Shanghai Convention on Combating Terrorism, Separatism and Extremism had been signed at the first meeting of Heads of State of SCO members in June 2001. It contained, for the first time at the international level, definitions of terrorism, separatism and extremism. As a follow-up, the Regional Anti-Terrorism Structure had been set up in Tashkent, with responsibility for coordinating SCO member States' efforts to ensure security and promote sustainable development, in line with the Shanghai Convention and the framework for cooperation in combating terrorism, separatism and extremism adopted at the SCO summit in 2005.

85. In 2006, Kazakhstan and China had successfully conducted joint counter-terrorist exercises under the auspices of the Regional Anti-Terrorism Structure. Another significant recent development was the approval of a single international register of persons wanted in SCO member States for crimes relating to terrorism, separatism or extremism and persons suspected of committing such crimes.

86. The SCO member States attached great importance to international cooperation to prevent incitement to commit terrorist acts and the spread of terrorist and extremist ideology. The declaration adopted at the 2006 summit of SCO Heads of State had drawn attention to the topic of international information security, including the need to prevent the use of information and communications technologies for terrorist purposes.

87. SCO also paid particular attention to the issue of preventing terrorists from using weapons of mass destruction. In that context, it welcomed the adoption in 2005 of the International Convention for the Suppression of Acts of Nuclear Terrorism and hoped that it would soon enter into force.

88. The adoption of the United Nations Global Counter-Terrorism Strategy would strengthen international cooperation in combating terrorism. In that context, it was vital to finalize the draft comprehensive convention on international terrorism as soon as possible. The members of SCO stood ready to contribute to that task, in particular by sharing their experience of negotiating a definition of terrorism for the purposes of the Shanghai Convention.

89. **Mr. Tajima** (Japan) said that, while the international community had made steady progress in its efforts to combat terrorism, terrorists had devised new means of action and had become more diverse. In view of the continuous challenges thus faced by the international community, counter-terrorism strategy needed to be further strengthened through international coordination. Japan welcomed the adoption by consensus of the Global Counter-Terrorism Strategy, which was a milestone in the work of the United Nations in that field and sent a unified message from its Member States. He welcomed the proposal to institutionalize the Task Force set up in that connection; it would have an important role in its coordination and implementation, including through capacity-building in developing countries. Japan for its part was ready to contribute to the coherence of United Nations counter-terrorism activities by striving to avoid duplication and overlap. He stressed that it was vital to establish an international framework to bring to justice those responsible for terrorist acts and that the Committee's primary task was therefore to move ahead with the draft comprehensive convention on international terrorism with a view to its early conclusion.

90. **Ms. Malecela** (United Republic of Tanzania) said that her country had taken practical steps to contribute to the global war against terrorism. It had enacted an anti-terrorism law, with which it had brought other laws into line; it had ratified eight out of twelve related international conventions and protocols and had set in motion the process to ratify the remaining four. At the regional level, it had ratified the Organization of African States Convention on the Prevention and Combating of Terrorism (1999) and had joined the Eastern and Southern Africa Anti-Money-Laundering Group as well as participating in other initiatives to combat terrorism. At the national level, it was setting up a national centre for counter-terrorism, in addition to the counter-terrorism unit already established at police headquarters, and had introduced new passports incorporating significant security features. Despite those and other measures, the United Republic of Tanzania, as one of the least developed countries, was faced with a great challenge. She called on Member States to help it to meet that challenge through capacity-building. In conclusion, she expressed the hope that the differences seen during negotiations on the Global Strategy would not stand in the way of its implementation.

91. **Mr. Liu** Zhenmin (People's Republic of China) hailed the adoption of the Global Counter-Terrorism

Strategy as a major achievement that demonstrated the international community's united resolve to win the fight against terrorism. Nevertheless, terrorist acts continued to be a serious threat to international peace and security and were unreservedly condemned by the Chinese Government, including when they were carried out for political purposes. Efforts to combat terrorism must, however, be in compliance with international law; care should also be taken to avoid double standards and not to link terrorism to any particular civilization, ethnic group or religion. Dialogue between different civilizations should be promoted to enhance mutual understanding. Measures should be taken in the fields of prevention, legislation and enforcement, while at the same time the root causes of the phenomenon, in the form of conflict, social unrest, injustice and poverty, needed to be addressed.

92. The Chinese Government recognized the leading role of the Security Council and the General Assembly in the struggle against terrorism and had actively contributed to the development of its treaty system in that area. It had acceded to 11 of the 13 existing international conventions against terrorism and had set in motion the procedures for early ratification of the International Convention on the Suppression of Nuclear Terrorism and accession to the Amendment to the Treaty on the Physical Protection of Nuclear Materials. At the regional level, it had acceded to the Shanghai Convention on the Suppression of Terrorism, Separatism and Extremism, while at the bilateral level it had entered into counter-terrorism agreements with several other Asian countries as well as agreements on criminal justice and extradition. It had also, by enacting provisions on the financing of terrorism, established a legal basis for the prevention, suppression and penalization of terrorist acts. China looked forward to early finalization of the draft convention and endorsed the initiative to convene a high-level conference under the auspices of the United Nations.

93. **Mr. Grey-Johnson** (Gambia), speaking on behalf of the African Group, said that the agreement reached on the Global Counter-Terrorism Strategy was a testimony to the commitment of Member States to cooperate in that area. The African States, for their part, had similarly expressed their resolve to take concrete measures to counter terrorism through an Organization of African Unity convention on the subject, adopted in 2002, among other important initiatives. The African Group believed that terrorism was not endemic to any particular region, people or religion and that efforts to combat it would only be successful through a comprehensive approach dealing not only with its symptoms but also with its root causes; in that regard, the United Nations had a central part to play.

94. Turning to the draft comprehensive convention, he stressed that it should not deny the right of peoples to self-determination and should make a clear distinction between terrorism and the right of peoples under foreign occupation to seek their freedom and independence, as recognized in particular in General Assembly resolution 46/51. He said that the United Nations system had a major role to play in efforts to combat terrorism and called for assistance as appropriate to Member States in meeting their obligations under the relevant conventions and Security Council resolutions. The African Group appreciated the initiative of the Counter-Terrorism Committee to encourage cooperation with regional organizations in fighting terrorism and welcomed the Madrid Declaration and Plan of Action on strengthening the legal regime against terrorism in West and Central Africa (2006). Such initiatives were important in strengthening the capacity of African countries to coordinate their actions in that area. It reiterated its willingness to work actively with other delegations in further refining the Counter-Terrorism Strategy and achieving a consensus on the draft comprehensive convention. As for the question of convening a high-level conference under the auspices of the United Nations, it merited serious consideration.

95. **Mr. Sandage** (United States of America), speaking in exercise of the right of reply, said that the delegation of Cuba had sought to inject its political agenda into the technical discussions of the Sixth Committee. Luis Posada Carriles, who had been detained by the United States authorities after entering the country illegally, remained in custody, contrary to what had been suggested. It was true that a federal magistrate had recommended his release, but the Government had filed objections thereto; he would consequently remain in custody pending the processing of his case. As for the five individuals convicted of conspiracy, since their conviction had been affirmed by the full United States Court of Appeals, they would also remain in custody. They had benefited from all the guarantees of due process inherent in the independent and impartial

United States judicial system; the same was true in the Posada Carriles case. That was only to be expected in a Government of laws, not of men.

96. **Mrs. Ramos Rodríguez** (Cuba), speaking in turn in exercise of the right of reply, said that she hoped that the case of Luis Posada Carriles would be dealt with appropriately. He, along with the other persons responsible for the attack on the Cuban airlines flight 30 years previously, had not been punished for that crime. He was in prison only because of illegal entry into the United States and had been neither tried nor extradited as was required by international law. She called for him to be extradited to the Bolivarian Republic of Venezuela in the name of justice for all his victims, not only Cubans. The other individuals concerned remained free in the United States, where they were allowed to make comments to the press about the attack and to glorify the incident.

97. As for the five Cubans confined in United States prisons, they were not terrorists and had not benefited from due process, contrary to what was claimed by the United States representative; their trial in Miami had not been held under the proper conditions; it had been politicized and no adequate evidence had been produced. They had been investigating the activities of terrorist organizations that did indeed exist in Miami, as had been reported by her delegation to the Security Council. The persons concerned had been unjustly imprisoned for 17 months in violation of international law, including humanitarian law, despite an appeal by the United States Attorney General, which had been rejected. She expressed the hope that the case would be reopened and that they would receive a proper trial. She stressed in conclusion that the rule of law prevailed in Cuba where, despite blockades, all citizens benefited from socio-economic growth, universal education and health care.

The meeting rose at 1.05 p.m.

United Nations A/C.6/61/SR.4

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Held at Headquarters, New York, on Friday, 13 October 2006, at 10 a.m.

Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Agenda item 100: Measures to eliminate international terrorism (*continued*)

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06-57001 (E)

The meeting was called to order at 10 a.m.

Agenda item 100: Measures to eliminate international terrorism (*continued*) (A/61/37, A/61/178, A/61/210 and Add.1, and A/61/280)

1. **Mr. Tin** (Myanmar) said that his country unreservedly condemned terrorism, which undermined the rule of law and destabilized Governments. It had to be combated through the determined efforts of the entire international community, in conformity with international law, and in particular with the principles of national sovereignty, territorial integrity and non-interference in the internal affairs of States. He therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy and plan of action (A/RES/60/288). Myanmar was firmly committed to fighting terrorism nationally, regionally and internationally. It had enacted 20 laws on the subject and acceded to 10 related international legal instruments, as well as ratifying the International Convention for the Suppression of the Financing of Terrorism, and it participated actively in regional counter-terrorism efforts within the framework of the Association of Southeast Asian Nations. He expressed appreciation to the United Nations Office on Drugs and Crime (UNODC) for enhancing its activities in that area, particularly for its technical assistance, and encouraged the Counter-Terrorism Committee to take steps to improve its technical assistance delivery capacity.

2. **Mr. Gümrükçü** (Turkey) said that terrorism was a crime against humanity and could never be justified. While the international community had been slow in agreeing on a united response, it was to be commended for its recent adoption of the United Nations Global Counter-Terrorism Strategy; that was a strong signal that States were determined to overcome any differences of views in order to combat terrorism. However, the full and effective implementation of the Strategy was an even more demanding challenge, in the face of which there was no room for complacency, discrimination or double standards. Turkey accordingly joined in the call for an implementation and review mechanism in order to translate the Strategy into action. In that process, care should be taken not to associate any particular culture or religion with terrorism as that could lead to an even more dangerous confrontation. Indeed, the promotion of dialogue, tolerance and understanding between cultures should be an integral part of the fight against terrorism, through such initiatives as the Alliance of Civilizations. He concluded by calling on Member States to show the utmost flexibility and pragmatism with a view to the early conclusion of the comprehensive convention on international terrorism, in which he pledged Turkey's full cooperation.

3. **Mr. Khair** (Jordan) said that his country condemned terrorism in all of its forms and manifestations. Concerted international efforts to eradicate terrorism were imperative, for it was a global scourge that knew no boundaries and endangered the security and safety of all peoples. It was equally imperative to fight all poisonous attempts to link terrorism with Islam; terrorism was incompatible with the principles of that religion and its message of dialogue and tolerance as the basis for conflict resolution, principles that were articulated in Jordan's royal initiative known as the Amman Message.

4. His delegation welcomed the United Nations Global Counter-Terrorism Strategy and advocated its periodic review. Jordan also affirmed the importance of continuing negotiations for the earliest possible achievement of a comprehensive convention on terrorism. In that connection, the agreement as to the scope of application of such a convention was a step towards the necessary compromise. Under no circumstances, however, should that compromise be reached at the expense of human rights and freedoms or international humanitarian law.

5. Jordan's own counter-terrorism measures included the amendment of legislation and heightened security and border control. It had also acceded to the relevant international conventions and instruments and coordinated with various countries and with the United Nations, in particular the Counter-Terrorism Committee. It welcomed the convening of a high-level conference on terrorism under United Nations auspices, as well as the Saudi Arabian initiative for the establishment of an international counter-terrorism centre.

6. **Mr. Aljumaa** (Saudi Arabia) said that international terrorism remained a worldwide danger. It was essential to tackle its root causes and alleviate the despair, frustration and anger that fuelled evil and potentially explosive tendencies. Terrorist activities meanwhile continued to test the international resolve to fight them. Itself a victim, Saudi Arabia condemned

terrorism in all of its forms and manifestations and had adopted successful counter-terrorism measures. It had acceded to most of the international counter-terrorism conventions and to various regional conventions on the subject. In 2005, it had also hosted an international conference on combating terrorism that had endorsed its proposal for the establishment of an international counter-terrorism centre under United Nations auspices.

7. While renewing its commitment to support and participate in the global counter-terrorism campaign, Saudi Arabia wished to highlight the feelings of disquiet in certain parts of the world that the campaign was being twisted and exploited by extremists and proponents of the "clash of civilizations" thesis. It was emphatically the case that no religion advocated terrorism or could be held responsible for the actions of any of its misguided followers, and Saudi Arabia rejected all charges of terrorism mistakenly alleged against Islam. The global campaign should be conducted in conformity with the rules of international and customary law, just as it should remain consistent with humanitarian values and respect all religions, with no desecration of their symbols and no slurs cast on their reputation.

8. **Ms. Kaewpanya** (Thailand) said that terrorism was one of the most serious threats to international peace and security and was unreservedly condemned by Thailand, which had a firm policy of action against it, both regionally and within the framework of the United Nations. It had acceded to six international anti-terrorism conventions and protocols and signed the International Convention for the Suppression of Acts of Nuclear Terrorism recently adopted by the General Assembly. Pending Thailand's ratification of the remaining international anti-terrorism instruments, it was able to take all necessary measures under its domestic law; it had organized two workshops on the subject, in cooperation with UNODC.

9. Her delegation welcomed the adoption by consensus of the United Nations Global Counter-Terrorism Strategy, which would help ensure a coordinated and collective response to the phenomenon. She expressed appreciation to the Secretary-General for his two reports on terrorism (A/61/210 and A/61/178) and to UNODC for its technical assistance, to which more resources could usefully be devoted. Lastly, she voiced the hope that Member States would overcome their differences in order to reach agreement on the draft comprehensive convention. That would not obviate the need, however, to address the conditions that contributed to the spread of terrorism, including poverty, human rights abuses and cultural and religious discrimination.

10. **Mr. Adekayne** (Nigeria) said that terrorism was a threat to peace and security at every level; it destroyed infrastructure, endangered territorial integrity and impeded sustainable development. Nigeria condemned it as a criminal act for which there could never be any justification. His country continued to support all the measures taken by the United Nations to combat terrorism, had ratified 7 and signed 12 of the main international conventions on the subject and benefited from the cooperation of the Counter-Terrorism Committee, which had arranged to visit Nigeria in the following month. He hailed the landmark adoption by the General Assembly in 2005 of the International Convention for the Suppression of Acts of Nuclear Terrorism while stressing that the proliferation of small arms and light weapons was also a factor of terrorism that needed to be addressed.

11. On the question of the convening of a high-level conference on terrorism under the auspices of the United Nations, he said that it should be held after the adoption of the draft comprehensive convention on the subject. Nigeria for its part was committed to the fight against terrorism at every level; to that end, it had enacted a number of bills, intensified its collaboration with other members of the Economic Community of West African States and contributed to the adoption of measures within the African Union. At the domestic level, it had strengthened its regulatory and monitoring machinery; at the bilateral level, it had entered into agreements on mutual legal assistance and extradition with a number of countries. He pledged his country's continued cooperation with other Member States in combating the scourge.

12. **Ms. Afetse Tay** (Togo) said that adoption of the United Nations Global Counter-Terrorism Strategy was a decisive advance in the efforts made to combat terrorism since the attacks against the United States of America on 11 September 2001 and a strong signal of the international community's commitment to that goal. She urged all national and international stakeholders to demonstrate the spirit of solidarity needed to ensure its success. The full implementation of the decisions taken at the major United Nations

conferences, including the Millennium Summit, would also help to reduce the threat of terrorist attacks.

13. Togo for its part had ratified the 13 international instruments against terrorism and was making every effort to translate them into action, including through domestic legislation. It fully endorsed the 2006 Madrid Declaration and Plan of Action on strengthening the legal regime against terrorism in West and Central Africa and hoped that appropriate steps would be taken to give effect to the commitments made at the national, regional and international levels. She commended the Ad Hoc Committee for its efforts to draw up a draft comprehensive convention that would be acceptable to everyone and encouraged it to give special attention to the question of the convening of a high-level conference on terrorism under the auspices of the United Nations. Lastly, she expressed the hope that the Working Group of the Sixth Committee would make every effort to overcome the remaining difficulties and ensure the success of the negotiations with a view to the conclusion of the draft comprehensive convention on international terrorism.

14. **Ms. Bovi** (San Marino) said her delegation condemned terrorism in all its forms and manifestations and reiterated her Government's firm intention to cooperate with all Member States and the relevant United Nations bodies to prevent and eliminate that scourge. She hailed the adoption of the United Nations Global Counter-Terrorism Strategy and believed that its implementation would produce very satisfactory results. She said that the report of the Secretary-General entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (A/60/825) had clearly analysed the most relevant elements of action against terrorism and remained a valuable point of reference for further discussions.

15. The underlying causes of terrorism needed to be understood and eradicated. The report's description of the conditions conducive to the spread of terrorism and the definition of specific measures to prevent and curb its spread were particularly useful. Tolerance and understanding among different cultures and religions was important and could be promoted only through the establishment of a frank dialogue, education and the careful use of the mass media.

16. It was essential to recognize the direct link that existed between development and terrorism. As history had demonstrated, economic marginalization and poverty could give rise to social dissent and breed terrorism. Action against terrorism had to be accompanied by the promotion of good governance, the rule of law and the protection of human rights at all levels. The United Nations should be more proactive in disseminating and safeguarding those principles.

17. Her Government was cooperating in the full implementation of all United Nations resolutions and regional and international instruments on terrorism and had complied with its reporting obligations.

18. It was vital to reach consensus on the draft comprehensive convention on international terrorism at the current session. Since there was general agreement that the causes of terrorism were closely linked to global issues such as development, human rights and conflict resolution, Member States should show greater flexibility in the negotiating process; achieving results in those areas would help to reduce the greatest affliction of the current era.

19. **Mr. Farhâdi** (Afghanistan) said that international terrorism was one of the most serious threats to international peace and security. It constituted a flagrant violation of human rights and fundamental freedoms and jeopardized the territorial integrity of States.

20. In Afghanistan, terrorists strove to impede the progress achieved there over the previous five years. Remnants of the Taliban, Al-Qaida and other radical extremist groups were infiltrating the country's borders and carrying out increasingly brutal attacks against all segments of the population, members of non-governmental organizations and soldiers of the international coalition, especially in the south and south-eastern areas.

21. A comprehensive and robust strategy that addressed the multifarious aspects of international terrorism was required. It was therefore imperative to tackle the root causes of insecurity in Afghanistan. It was clear that the provision of continued financial and logistical support to the Taliban, Al-Qaida and other extremists was in flagrant violation of General Assembly resolution 49/60, on measures to eliminate international terrorism, the Declaration on Measures to Eliminate International Terrorism annexed thereto and Security Council resolution 1373 (2001) on threats to international peace and security caused by terrorist

acts. It was to be hoped that States would sincerely implement those texts.

22. His Government remained committed to overcoming the dangers terrorists posed to the stability and prosperity of his country. The national army and police, with the backing of the coalition forces, were conducting joint combat operations against remnants of the Taliban, Al-Qaida and other extremists, but sustained international assistance was needed in order to enhance the capacity of the country's security institutions to effectively fight an enemy force possessing logistical resources which enabled it to conduct carefully planned military operations.

23. His Government supported all international, regional and subregional efforts to crush terrorism and had signed all 13 international instruments and conventions on the subject. It attached great importance to the relevant Security Council resolutions concerning international terrorism and had submitted reports on its implementation of Security Council resolutions 1267 (1999), on the situation in Afghanistan and 1373 (2001) on threats to international peace and security caused by terrorist acts. It was in the process of preparing its national report on compliance with Security Council resolution 1624 (2005), on threats to international peace and security. At the regional level, it was stepping up exchanges of counter-terrorist information with other countries and it regularly held constructive meetings with senior military and diplomatic officials of the Government of Pakistan and the United States of America.

24. He called for the conclusion of the draft comprehensive convention on international terrorism at the earliest opportunity. The adoption of the United Nations Global Counter-Terrorism Strategy had been a milestone achievement. His country's authorities fully endorsed the recommendations it contained and were committed to implementing its provisions. The convening of a high-level conference on international terrorism under the auspices of the United Nations would stiffen the political will of the international community to overcome terrorism. The United Nations should play a central role in leading and coordinating the fight against that scourge. The technical capacity-building assistance it gave States was commendable. His Government stood ready to make additional efforts at the national, regional and international level to defeat international terrorism.

25. **Ms. Walker** (Jamaica) said that terrorism in all its forms and manifestations was a scourge which had rightly been condemned by all States. The misery, death and destruction which resulted from acts of terrorism could not be justified on any grounds.

26. Her Government was cooperating fully with the international community in order to remove that threat and it therefore welcomed the adoption of the United Nations Global Counter-Terrorism Strategy and the Convention for the Suppression of Acts of Nuclear Terrorism. Internal procedures had been initiated to allow for the signature and ratification of the latter. The authorities of her country were determined to honour their obligations under United Nations resolutions on countering terrorism and they were a party to 12 United Nations anti-terrorism agreements. The Terrorism Prevention Act had been passed in 2005 to implement those agreements. Four country reports had been submitted to the Counter-Terrorism Committee.

27. Nevertheless her country, like many developing countries, faced constraints in terms of human and financial resources when it came to the reporting obligations imposed by the Security Council. Although the capacity to provide information existed, it was difficult to prepare several reports in the same period. Serious consideration should therefore be given to following the recommendation concerning the streamlining of reporting obligations to the various counter-terrorism bodies, which had been made in the 2005 World Summit Outcome.

28. The meeting between officials of the Counter-Terrorism Executive Directorate, experts from the Security Council Committee established pursuant to resolution 1540 and representatives of countries from the Caribbean Community in February of that year had provided an opportunity for countries to address and receive advice on issues of concern. As meetings of that nature helped developing countries to participate effectively in the battle against terrorism, she hoped that they would continue on a regular basis.

29. Any effort to combat terrorism must take place in the context of respect for international law, human rights and international humanitarian law; otherwise it would undermine the very democratic institutions, peace and stability the international community sought to preserve. At the same time, endeavours to counter other threats to peace and security, such as drug

trafficking should remain a high priority. In the long run, only a comprehensive, balanced approach based on the rule of law and respect for the individual could successfully put an end to terrorism.

30. **Ms. Skaare** (Norway) said that her Government condemned terrorism in all its forms. Terrorism must never be tolerated and could never be justified. It must be prevented and combated at the national and international level. It could be defeated only by improving education, fostering cultural understanding, promoting development and encouraging peace and reconciliation in an effort to improve conditions otherwise conducive to the spread of terrorism and extremism. International terrorist acts could be averted only by establishing closer cooperation between police and judicial authorities and, as a last resort, by using force on the conditions authorized by the Charter of the United Nations. The fight against terrorism was ultimately a struggle over values. For that reason, endeavours to thwart terrorism would be successful only if they abided by the principles of the rule of law and universal human rights.

31. Norway's foreign policy strategy for combating international terrorism took a comprehensive approach based on fundamental values and was in line with the United Nations Global Counter-Terrorism Strategy. Her Government would therefore work with the Counter-Terrorism Implementation Task Force to give effect to the Strategy. The United Nations should take a leading role in the worldwide fight against terrorism. The part played by the General Assembly in that respect could be further strengthened by reaching agreement on the draft comprehensive convention on international terrorism. Hence her Government would give priority to expediting efforts in that direction.

32. **Mr. Kryzhanivskyi** (Ukraine), speaking on behalf of the GUAM group of countries (Azerbaijan, Georgia, Moldova and Ukraine), said that the United Nations and its specialized agencies should continue to play a key role in providing a solid legal basis for promoting cooperation in combating international terrorism. The GUAM delegations resolutely condemned international terrorism in all its forms and manifestations. Acts of terrorism led to the death of innocent people and could not be justified on any grounds, no matter who carried them out. Their instigators and perpetrators must be brought to justice.

33. The adoption of the United Nations Global Counter-Terrorism Strategy was welcome, because it outlined a full-scale programme of the measures which needed to be taken by the international community in order to eliminate what was increasingly becoming a real challenge to global peace and security. He therefore called on Member States to make additional efforts during the current session to adopt the draft comprehensive convention on international terrorism.

34. The GUAM group of countries were running two projects in the area of counter-terrorism and border security: they had established the GUAM Virtual Centre for Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime and they had set up the GUAM Interstate Information Management System (IIMS). The Virtual Centre served as a focal point for the online communication, analysis and exchange of operational information on law-enforcement activities, for the facilitation of joint operations and for the coordination of major crime investigations. The IIMS was an information backup and support system enabling the relevant authorities of the GUAM group of countries to exchange data and other information through a protected satellite communications channel.

35. Terrorism was not only a threat to all societies, it was also an attack on the values that defined the international community. Action to combat terrorism would be most successful if it abided by the rule of law, respected human rights, protected civilians and displayed religious tolerance.

36. **Mr. Dos Santos** (Mozambique) said that continuing terrorist attacks around the world were a standing reminder that terrorism remained one of the most serious threats to international peace and security. There was no cause or grievance that could justify terrorist acts. As a clear demonstration of its political will, Mozambique had already acceded to or ratified 12 of the major international conventions on terrorism, and he was pleased to report that his Government had recently signed the International Convention for the Suppression of Acts of Nuclear Terrorism and was now in the process of ratifying it. In the African region, Mozambique was a party to the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism. In keeping with the Mozambican Constitution, having been approved and ratified, those international legal instruments had become part of domestic law.

37. His delegation joined others in welcoming the adoption of the United Nations Global Counter-Terrorism Strategy. The Strategy's plan of action provided clear vision and guidance on action-oriented measures to be taken by the international community, particularly Member States, in addressing the serious threat posed by terrorism. The Strategy would enhance coordination within the United Nations system and facilitate cooperation with other relevant actors in the field of counter-terrorism. His delegation was pleased to note that the Strategy reaffirmed the need for all States to comply with their obligations under international law, in particular, human rights law, refugee law and international humanitarian law. Measures against terrorism must comply with international law.

38. His delegation commended the work done by the Ad Hoc Committee in drafting the comprehensive convention on international terrorism and sincerely hoped that the remaining outstanding issues could be resolved soon. To that end, all States involved in the negotiations must demonstrate a more flexible and constructive approach.

39. Mozambique also commended the report of the Secretary-General on the progress made by UNODC in implementing its mandate in the field of technical assistance (A/61/178). Such assistance was of particular importance for Mozambique and other developing countries as they strove to fulfil their international obligations in relation to preventing and combating terrorism. His delegation therefore welcomed the new focus for UNODC activity and the intensification of its efforts to provide adequate technical assistance and capacity-building to developing countries to facilitate the implementation of international treaties and other relevant international legal instruments related to terrorism, in particular through training in the judicial and prosecutorial fields, in the drafting of internal legislation and in law enforcement. Mozambique also endorsed the recommendation contained in the report that UNODC should continue and enhance the relations established with relevant subregional and regional organizations in order to sustain political will for counter-terrorism activities.

40. **Mr. Choisuren** (Mongolia) said that, by upholding its central role in setting international counter-terrorism standards and coordinating the global fight against terrorism, the United Nations had greatly enhanced its standing and relevance in the present-day world. Indeed, his delegation considered the adoption of the United Nations Global Counter-Terrorism Strategy and plan of action to be one of the major achievements of the previous session of the General Assembly. It was his hope that the Sixth Committee would focus its attention on the task of concluding the negotiations on the draft comprehensive convention against international terrorism. By taking a common and unequivocal stance against terrorism, the countries of the world had laid a solid foundation to enhance efforts to fight against it. The international community should step up all efforts to fully implement the measures agreed in the Global Strategy.

41. His delegation joined other States in unequivocally condemning all forms of terrorism and reiterating that terrorism could not be justified for any reason. Mongolia had shown its resolute intention to contribute to the international fight against terrorism and related crimes by signing all 13 of the universal counter-terrorism instruments and their protocols, including the International Convention for the Suppression of Acts of Nuclear Terrorism, ratified in July 2006, and by carrying out an extensive legal reform aimed at bringing the body of national laws into line with international norms. The reform had included a law against money-laundering and the financing of terrorism.

42. To raise awareness about international instruments against terrorism and other crimes, a special edition of the official gazette containing all the conventions and protocols to which Mongolia was a party had been published in the native language, with the assistance of UNODC, and widely distributed among both governmental and non-governmental agencies, including law enforcement agencies. It was important to intensify United Nations efforts to provide technical assistance to strengthen international cooperation in building and enhancing national counter-terrorism capacity through training in law enforcement fields, and his delegation therefore supported the appeals made by some delegations for increased resources to be provided to UNODC.

43. **Mr. Saleh** (Lebanon) said that his delegation condemned terrorism in all its forms and manifestations and remained deeply committed to international counter-terrorism efforts. The fight against the scourge of terrorism required a concerted effort from all Member States. Lebanon considered

cooperation to be a key element for the success of the fight, and was actively cooperating with other partners. It had ratified 12 of the 13 United Nations counter-terrorism conventions and was in the process of ratifying the remaining one.

44. Lebanon had joined the consensus on the United Nations Global Counter-Terrorism Strategy and considered it to be a good step forward. The Strategy included certain important elements that reflected some, but not all, of his delegation's concerns. First, it recognized the legitimate right of people to resist an occupying power and clearly differentiated between terrorists and those exercising that right. Second, the Strategy also recognized the need to address the root causes of terrorism, including, but not limited to, prolonged unresolved conflicts. In that regard, Lebanon considered injustice to be one of the major causes of terrorism and deemed foreign occupation to be one of the worst injustices that could be inflicted upon a population.

45. Third, the Strategy acknowledged the existence of State terrorism and included in its action plan a clear call for States to refrain from organizing and participating in terrorist activities. That was a clear recognition of the long-denied reality that States could participate in terrorist activities. State terrorism was manifested by wanton violence against civilians and included acts such as the illegal practice of targeted killing or extrajudicial killing, collective punishment, and summary and arbitrary execution. It was intended to inculcate fear, terrorize, intimidate, coerce and kill a civilian population. The principle of State responsibility stipulated that States should be held accountable for their acts, especially when those acts were of a criminal nature and tantamount to genocide and war crimes. States, like individuals, should not be above the law, nor should they regard themselves as being immune to the extent that they could commit crimes with impunity.

46. For an entire month, his country had been subject to State terrorism by Israel. Lebanese cities, towns and villages had been pounded with thousands of bombs of all kinds and sizes, including cluster bombs, "vacuum bombs" and phosphorus bombs, all of which were internationally prohibited. There had been 1,200 casualties and 4,092 injuries among the Lebanese civilian population, and an additional 133 people had fallen victim to unexploded ordnance after the cessation of hostilities. Forty per cent of the victims had been children. Over 900,000 Lebanese citizens had been forced to flee their towns and villages during the Israeli aggression, and 200,000 remained displaced.

47. Fourth, and most important, the Strategy stressed that all measures taken by States to combat terrorism should respect the rule of law and should conform to international law, in particular human rights law and international humanitarian law. Nevertheless, the Strategy failed to mention the necessity of defining terrorism. Lebanon supported a review of the Strategy on a periodic basis, believing that it should remain a living document to be adapted and updated in order to ensure its comprehensiveness and its responsiveness to emerging needs. His delegation wished to re-emphasize the central role of the General Assembly in the fight against terrorism.

48. Lebanon supported all efforts to push forward the negotiation on the draft comprehensive convention on international terrorism and stood ready to cooperate with all other partners. His delegation supported the creation of a working group to finalize the convention. Finally, Lebanon supported all efforts intended to promote mutual understanding and foster dialogue between cultures and civilizations, such as the initiatives being promoted in the framework of the Euro-Mediterranean Partnership. Such initiatives proved once more that dialogue was the most appropriate way of bridging differences, understanding one another and promoting common interests.

49. **Mr. Diallo** (Mali) said that terrorism constituted a threat to peace, security and development. It eroded the rule of law and weakened the credibility of public institutions. Protecting the Malian population from terrorism was one of the chief concerns of his Government, which had made the fight against terrorism a priority of its anti-crime policy. The scourge of terrorism had no respect for national boundaries, and Mali was therefore firmly convinced that it could only be addressed through cooperation on a regional and international scale. Accordingly, his delegation welcomed the adoption of the United Nations Global Counter-Terrorism Strategy, and hoped that the General Assembly would go on to adopt the draft comprehensive convention on international terrorism, as well as a mechanism for implementing the Strategy.

50. Mali had ratified 12 of the 13 international conventions on terrorism and had taken similar actions

at the regional and subregional levels. At the national level, a law on suppression of terrorism had recently been adopted, criminalizing both terrorism and the financing thereof.

51. The fight against terrorism in all its forms could not be dissociated from its underlying causes, which included poverty, exclusion, all forms of discrimination, injustice, inequality and foreign occupation. At the same time, any definition of terrorism must clearly distinguish between terrorism and the legitimate struggle of peoples for their independence. Mali believed that in the fight against terrorism, the international community must not lose sight of the fact that the particular situation of some countries made them especially vulnerable to terrorist acts. Technical assistance was therefore needed to improve and strengthen national and regional capacity to combat terrorism.

52. In that connection, his country had welcomed the recent visit of a group led by Mr. Javier Rupérez, Executive Director of the Counter-Terrorism Committee Executive Directorate, who had reaffirmed the willingness of the United Nations to continue providing assistance to Mali in its efforts to combat terrorism. That visit had taken place in the framework of the evaluation of his country's implementation of Security Council resolution 1373 (2001). He was pleased to confirm that Mali had submitted to the committees concerned its reports on the implementation of that resolution and resolution 1455 (2003).

53. **Ms. Aghajanian** (Armenia) said that 2006, like previous years, had not been exempt from terrorist acts that had claimed the lives of many innocent people. Those acts had once again demonstrated vividly that uprooting terrorism would require tireless and persistent efforts on the part of the world community at all levels — national, regional and international. To that end, the United Nations Global Counter-Terrorism Strategy would address conditions conducive to the spread of terrorism, particularly social and economic problems that could create fertile recruiting grounds for the masterminds of terrorism.

54. Armenia utilized all existing bilateral, regional and international capabilities to enhance its capacities in the fight against terrorism. It was a party to almost all the United Nations and Council of Europe anti-terrorism conventions, including the International Convention on the Suppression of Acts of Nuclear Terrorism, which it had signed in 2005 and was in the process of ratifying. In addition, it cooperated extensively in the counter-terrorism activities of regional organizations such as the Commonwealth of Independent States (CIS) and the Black Sea Economic Cooperation Organization (BSEC). Armenia was currently in the process of ratifying the Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms. The Armenian law enforcement authorities had taken special measures against organized crime, terrorist and extremist groups, and cases of illicit trafficking of arms, armaments and vehicles.

55. Armenia was cooperating successfully with the Counter-Terrorism Committee and other relevant Security Council committees, submitting the required reports in a timely fashion. A visit by a group of experts from the Counter-Terrorism Committee during the summer of 2006 had been extremely useful in discussing the possibilities for enhanced capacity-building in Armenia. Her Government believed that prevention, especially through education and awareness-raising, was the best defence against the spread of terrorism.

56. **Mr. Muhumuza** (Uganda) said that terrorism was a cancer on the world community that needed to be eradicated. It was imperative, therefore, that the malady should first be clearly defined, in order to distinguish terrorist acts from other situations. His delegation was fully aware that the task of agreeing on a definition would call for a lot of patience, flexibility and compromise. However, given the magnitude of the threat, that was a small price to pay. His delegation stood ready to contribute positively to the successful conclusion of that task.

The meeting rose at 11.45 a.m.

United Nations A/C.6/61/SR.5

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Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Agenda item 100: Measures to eliminate international terrorism (*continued*)

Agenda item 153: Requests for observer status in the General Assembly

Agenda item 128: Administration of justice at the United Nations

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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06-57287 (E)

The meeting was called to order at 10 a.m.

Agenda item 100: Measures to eliminate international terrorism (*continued*) (A/60/825 and Corr.1; A/61/37, A/61/178, A/61/210 and Add.1, A/61/280)

1. **Mr. Hannesson** (Iceland) said that the peace, security and prosperity of all were at stake in the fight against terrorism. The world now faced a real threat of catastrophe resulting from the use of weapons of mass destruction by terrorists. Terrorism affected developing countries disproportionately, both because many terrorist acts took place in those countries and because the economic ramifications of terrorist acts in industrialized countries had a knock-on effect in developing countries. The only viable response to such a threat was a collective one involving all States, with the United Nations playing a leading role in bringing them together.

2. The United Nations had already taken many important steps to combat terrorism, including the adoption of the various international instruments on terrorism and, most recently, of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288), which took a balanced approach to the problem by addressing issues such as capacity-building and human rights protection. However, the draft comprehensive convention on international terrorism had still not been concluded, and he urged all Member States to work towards that goal. It was important to define terrorism, and the basis of a definition put forward by the Secretary-General deserved further consideration. The deliberate targeting of civilians was unacceptable. A proper definition would carry clear moral force that would help Governments take action against terrorist organizations.

3. **Mr. Chem** (Cambodia) said that Cambodia condemned terrorism in all its forms and manifestations. In order to combat it effectively in the context of the United Nations Global Counter-Terrorism Strategy, better cooperation was needed at the subregional, regional and global levels, together with a comprehensive approach encompassing measures to tackle the root causes of terrorism.

4. Cambodia was committed to the global fight against terrorism: it had acceded to 12 of the international instruments against terrorism and looked forward to ratifying the remaining ones. Under a law reforming weapons and explosive ordnance management adopted in April 2005, 200,000 rifles had been destroyed, thus preventing them from falling into the hands of terrorists and smugglers. Furthermore, the National Bank of Cambodia had instructed all financial and banking institutions operating in Cambodia to scrutinize and freeze the assets of individuals and entities included in the Security Council and United States lists of those involved in global terrorism. To date, there had been no evidence of any suspicious activity linking those institutions with the individuals or entities in question. Nonetheless, vigilance was being maintained. The National Bank had also issued orders prohibiting transactions with individuals or entities considered to have committed or supported terrorist acts.

5. Cambodia shared the view of its fellow members of the Association of Southeast Asian Nations (ASEAN) that measures taken to combat terrorism should respect international law, particularly the principles of national sovereignty and the territorial integrity of States. As a member of ASEAN, Cambodia was a party to a number of bilateral, regional and international initiatives to combat terrorism.

6. **Ms. Selasini** (Zambia), reaffirming the Declaration on Measures to Eliminate International Terrorism, the Declaration supplementing it and the provisions relating to terrorism in the 2005 World Summit Outcome, said that Zambia welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy and looked forward to its speedy implementation. Zambia also welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and was making efforts to accede to all the international instruments relating to terrorism.

7. Her delegation hoped that agreement would soon be reached on the draft comprehensive convention on international terrorism. In particular, it was vital to agree on a legal definition of terrorism that would take account of the legitimate struggle of peoples for self-determination, freedom and independence. The Strategy also rightly underscored the need to strengthen national capacity to fight terrorism effectively, especially in developing countries.

8. Zambia supported the proposal to convene a high-level conference under the auspices of the United Nations to formulate a joint international response to

terrorism. Negotiations should be conducted in a spirit of flexibility so as to send a strong message that the world would not tolerate terrorist acts.

9. **Mr. Kariyawasam** (Sri Lanka) welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy and said that the United Nations was the most appropriate forum in which to tackle the evolving phenomenon of terrorism. Although terrorism was condemned as one of the most serious threats to international peace and security, the divergent political perceptions of different States had overshadowed the debate on the subject.

10. For two decades, Sri Lanka had been the victim of unbridled terrorism that had impeded development and undermined democracy. That very day, more than 90 people had been murdered in an attack by the Liberation Tigers of Tamil Eelam. Terrorism was a cross-border problem which could only be defeated through determined international cooperation. Sri Lanka greatly appreciated the assistance it had received from certain States and regional groups in its efforts to deal with terrorism.

11. Terrorism was often linked to various forms of organized crime. He was therefore pleased to note that the Strategy contained measures to address that problem. Sri Lanka had reaffirmed its commitment to combating terrorism and organized crime by ratifying the United Nations Convention against Transnational Organized Crime in 2006. It had also adopted a special law giving full effect to the International Convention for the Suppression of the Financing of Terrorism, and other laws on money-laundering and the reporting of criminal transactions, implementing the recommendations of the Financial Action Task Force on Money Laundering. Sri Lanka also supported the idea of the direct exchange of financial intelligence between the financial intelligence units of Member States. The Asia/Pacific Group on Money Laundering had recently commended the compliance measures taken by Sri Lanka.

12. Sri Lanka supported the expansion of the sanctions regime to include individuals, groups and institutions other than those designated by the Security Council committees. It encouraged the Security Council to continue considering measures that might be taken against them on the basis of resolution 1566 (2004).

13. Capacity-building was an important element of the Strategy for developing countries, which lacked the necessary resources to fight terrorism effectively. However, the provisions of the Strategy relating to the rule of law, the culture of peace and inter-faith dialogue required further clarification.

14. It was regrettable that agreement on the draft comprehensive convention on international terrorism remained elusive. Negotiations should be continued in a spirit of compromise so as to finalize the text as soon as possible. The draft convention should be an effective law enforcement instrument rather than a political declaration. The main issue was its applicability to various situations that fell into other fields of international law. As the President of Sri Lanka had recently stated in his address to the General Assembly, no effort should be spared to complete the international legal framework for the struggle against terrorism.

15. **Mr. Noman** (Yemen) said that his country pledged its full cooperation in the efforts to settle differences concerning the subject of terrorism and thereby achieve tangible progress in dealing with one of the most complex and serious questions facing the international community. Terrorism was a universal problem that Yemen continued to experience first-hand and was determined to fight at the national, regional and international levels. In that context, it had concluded bilateral and multilateral agreements, enacted legislation that criminalized acts of violence and adopted a series of practical deterrent measures.

16. Alien to Arab societies and rejected by Islam, terrorism stemmed from several causes, including a sense of injustice arising from the lack of international will to resolve such problems as foreign occupation and from the spread of misinformation about certain beliefs, races and ethnic groups. That fuelled anger, resentment and hatred and bred mutual contempt among different cultures and nations, thus destroying trust among peoples, and fomenting extremism and terrorism. His Government continued to advocate the convening of an international conference with a view to defining the phenomenon and distinguishing it from the right of peoples to self-determination and the legitimate struggle for independence. It was equally necessary to identify and address the causes of terrorism, which additionally included poverty, unemployment and shortcomings in education. Dialogue and understanding were fundamental to

countering the challenges posed by extremism and terrorism, in which context Yemen had hosted two symposiums on dialogue among civilizations and participated in international gatherings similarly dedicated to the promotion of such dialogue.

17. He affirmed Yemen's commitment to implementation of the Security Council resolutions relating to counter-terrorism, in accordance with which it had submitted five reports to the Security Council Committee established pursuant to resolution 1373 (2001). Yemen was endeavouring to strengthen its relationship with international counter-terrorism organizations, to which end a special unit had been established in the Ministry of Foreign Affairs to serve as a focal point among those organizations and national institutions that dealt with matters relating to money-laundering, the financing of terrorism and counter-terrorism. Yemen also welcomed the unanimously adopted Global Counter-Terrorism Strategy and had acceded to nine counter-terrorism conventions. A further three such conventions had been referred to the House of Representatives for completion of the constitutional procedures required for their ratification.

18. **Mr. Medrek** (Morocco) said that, since terrorism constituted one of the most serious threats to international peace and security, the United Nations, in particular the General Assembly, was the appropriate forum in which to elaborate a coordinated international response. Action by individual States was inadequate. His delegation therefore welcomed the General Assembly's recent adoption of the United Nations Global Counter-Terrorism Strategy, which should now be duly implemented.

19. Morocco reaffirmed its unequivocal condemnation of terrorism, which was a phenomenon fed by xenophobia, intolerance and fanaticism that could not be linked to a particular country, religion, culture or civilization. All initiatives to promote dialogue between cultures and civilizations should be encouraged. Morocco had acceded to nearly all the international legal instruments on terrorism and had fully endorsed the Security Council resolutions on the subject. He praised the efforts under way to revitalize the work of the Security Council committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004).

20. The lack of agreement on the draft comprehensive convention on international terrorism meant that the United Nations legal framework for combating terrorism remained incomplete. He urged States to make further efforts to overcome their differences so as to finalize the text as soon as possible. Agreement was within reach, provided that a clear distinction was drawn between the different fields of international law. A solution to the problems posed by article 18 of the draft would undoubtedly facilitate agreement on the other outstanding issues. His delegation hoped that the Working Group of the Sixth Committee would be convened during the current session with a view to finalizing the text.

21. Morocco supported the proposal of Egypt to convene a high-level conference in order to establish a collective international response to terrorism. It also supported Tunisia's call for the elaboration under United Nations auspices of a global and consensual code of conduct against terrorism, and the proposal of Saudi Arabia that an international counter-terrorism centre should be established.

22. **Mr. Alam** (Nepal) said that terrorism seriously threatened international peace and security and hindered social development. Nepal unreservedly condemned terrorism and attached great importance to the work of the United Nations in that regard, including the adoption of various international instruments and the establishment of various bodies and mechanisms. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and the United Nations Global Counter-Terrorism Strategy constituted significant steps forward. Nepal was fully committed to working with other Member States for the implementation of the Strategy and urged the international community to provide adequate financial and technical support for national capacity-building.

23. The 2005 World Summit Outcome (A/RES/60/1) had underlined the need for agreement on a comprehensive convention on international terrorism. However, a lack of consensus on issues relating to the legal definition of terrorism and the application of the draft convention had impeded progress. It was essential to reach agreement on the text at the current session and to incorporate both the legal aspects of international cooperation on counter-terrorism and provisions ensuring respect for international law, human rights and refugee law.

24. The draft convention, once adopted, would complement the existing sectoral conventions on terrorism. Nepal was a party to many of those conventions and had adopted appropriate domestic measures to enforce them. Support should be provided for national capacity-building, particularly in developing countries, with regard to money-laundering laws and their effective implementation. The Government of Nepal had also taken several measures to implement the Security Council resolutions relating to terrorism and General Assembly resolution 60/43, and had provided information on those measures to the relevant committees. In that regard, the Executive Directorate of the Counter-Terrorism Committee should promote the development of domestic counter-terrorism capacity.

25. Work on the legal framework for combating terrorism should be complemented by measures to address the conditions conducive to terrorism, such as poverty, illiteracy, intolerance and violations of human rights. Every effort should be made to resolve disputes peacefully and to preserve democracy and the rule of law, which were essential for peace and stability. He called for continued international cooperation to that end.

26. **Mr. Dolatyar** (Islamic Republic of Iran) said that terrorism was a crime for which there could be no justification; its gravest and most dangerous form was State terrorism and the most lethal form of State terrorism was foreign occupation. He referred to human rights violations in the Palestinian territories, to aggression against Lebanon, and to the sharp increase in the death rate in Iraq since the arrival of the coalition forces. Recent developments in Afghanistan showed that terrorism and extremism could not be eradicated by military force; the struggle against them was a battle for hearts and minds. He therefore welcomed all initiatives in support of a dialogue among civilizations and reaffirmed his country's commitment to the true teachings of Islam, which prohibited the killing of innocent people.

27. His country had joined the consensus on the Global Counter-Terrorism Strategy despite some reservations regarding the text. The Strategy was built on a strong condemnation of all forms of terrorism, including State terrorism, and sent a strong message that the United Nations was acting in the spirit of its Charter to avert the growing threat. He welcomed the acknowledgement in the Strategy that one of the root causes of terrorism was prolonged unresolved conflicts, the most perilous cases of which arose from foreign occupation. One of the major gaps in United Nations counter-terrorism instruments was the lack of a definition of terrorism; all the provisions adopted in that area were thus susceptible of subjective interpretation and political manipulation by some Member States. Sustained efforts had to be made to achieve an internationally agreed definition of terrorism that would differentiate it from the legitimate struggle of peoples under foreign occupation. The highly political question of who would have the authority to define terrorism underlay the legal debate on its definition, since determination of the public enemy had become an international issue, no longer confined within nation States. Some hegemonic Powers wished to determine the public enemy on a case-by-case basis according to their foreign policy preferences, while other countries were in favour of an objective legal definition; such a definition would increase the coherence of the international coalition against terrorism and limit the discretionary power of the hegemonic States, which for that reason were opposed to it.

28. He endorsed the call for further efforts towards the early development of the necessary comprehensive legal framework for the Strategy, with the continuing involvement of the Ad Hoc Committee and the Working Group of the Sixth Committee. He likewise supported the proposal to convene an international conference in that connection under the auspices of the United Nations. Besides addressing the aforementioned issues, that conference should examine the question of armed forces and the scope of the proposed comprehensive convention, as well as its relationship to other treaties.

29. **Ms. Kaplan** (Israel) said that adoption of the Global Counter-Terrorism Strategy had sent a clear message that terrorism was a global problem that required a global solution. Unfortunately, however, a number of proposals contained in the Secretary-General's report (A/61/210) and discussed in the deliberations had been omitted from the Strategy; she expressed the hope that they, together with other practical measures, would be incorporated into it so as to ensure its effectiveness. A number of other challenges lay ahead, including conclusion of a comprehensive convention, which should advance and not dilute the key principles for the suppression of

terrorism. Israel urged all States to oppose any proposal that could create a pretext for justifying or excusing the deliberate targeting and murder of innocent people. Measures needed to be taken to address the problems of radicalization and incitement to terrorism, while the Counter-Terrorism Committee should broaden its mandate to cover the treatment and rights of victims.

30. Terrorism knew no boundaries; the forces of extremism on which it fed threatened everyone. For terrorists, civilians were not just a target but also a shield, as were democratic institutions; no terrorist could claim legitimacy simply through holding elected office. Israel believed that there was universal support for the principle that the deliberate murder of civilians could never be justified by political or ideological goals. Terrorism was defined by what terrorists did, not by the reasons they invoked for doing it. It had to be combated within the framework of international law; it was not merely a war of the State against its enemies, but also a war of rule of law against those who opposed it. Calls to address its root causes were often an attempt to justify the unjustifiable. In any case, the underlying factors also included incitement, intolerance and the lack of democracy; a culture of hate had thus been spawned that glorified murder as martyrdom. Nor could terrorism be dissociated from other aspects of international crime, such as money-laundering and drug trafficking. Israel had accordingly ratified the International Convention for the Suppression of the Financing of Terrorism and called on other States to do likewise.

31. She stressed the support given to terrorist groups by sympathetic States, which thereby fought wars by proxy and allowed extremists to set the political agenda. Democratic nations should not let the terrorists prove that they could achieve more by illegitimate means than by peaceful negotiation. It was crucial not only to resolve unresolved conflicts but to do so in a way that strengthened the hand of those committed to the rule of law. The choice was between those who built and those who destroyed.

32. **Mr. Ja'afari** (Syrian Arab Republic) said his country condemned terrorism in all of its forms and manifestations, whether perpetrated by individuals, groups or States. There was a moral and legal responsibility to convene an international conference with the aim of defining terrorism and making a distinction between the type of terrorism that was wholly reprehensible and legitimate national struggles against the type of terrorism known as foreign occupation. The most serious impediment to international counter-terrorism efforts was the attempt by some States to redefine long-agreed values that had led to the establishment of the United Nations, including the principles of equal sovereignty and the right of peoples to self-determination. Scores of countries had been liberated from occupation and colonialism with United Nations support and his country was proud of its long service as Rapporteur of the Special Committee on Decolonization. A minority, however, wished to turn the clock back by pinning the terrorism label on acts of legitimate resistance to foreign occupation in an attempt to erase all memory of the past fight against colonialism. Such practices were a form of intellectual terrorism designed to persuade victims to abandon their rights lest they themselves be branded as terrorists. As it stood, the Palestinian people was exercising its legitimate right to liberate its territory and determine its own fate and the Lebanese resistance against the recent Israeli aggression fell into the same category. Similarly, the Israeli occupation of the Syrian Golan, which had continued along with an accompanying multitude of repressive Israeli practices since 1967, was a systematic form of State terrorism that was recognized as such by the entire international community.

33. His country's support for the international efforts to combat terrorism and address its root causes had prompted it to join the consensus in favour of the United Nations Global Counter-Terrorism Strategy, despite its flaws. Counter-terrorism efforts should not be confined to the use of force, which could simply exacerbate the problem; the world was growing daily less secure, a fact more acutely felt in his region. The loss of innocent lives to recent terrorist activities in his country would, however, have been more serious in the absence of counter-terrorism forces. A collective stand centred on the underlying causes of terrorism was needed to crush attempts to provoke a clash of civilizations and market policies aimed at achieving narrow interests. It was therefore disappointing that some of the draft wording had been removed from the final text of the Strategy, either because it was incompatible with the expansionist policies of a small number of countries or because it required the mobilization of considerable financial resources for development and the eradication of poverty and hunger.

34. Intolerance and narrow-mindedness had undermined the calls for a dialogue of civilizations and the war on terrorism had been hijacked by hardliners to launch an assault on age-old values and principles through the invention of an enemy by the name of Islamic terrorism, although those individuals knew better than anyone that Islam was innocent. Islam could not be used as a cover for their objectives whenever it suited them, however. A form of intellectual terrorism was involved in condoning any ridicule of the Prophet, symbols or values of Islam — or indeed any other religion — on the pretext of protecting individual freedoms. The culprits should be called to account for spreading hatred that would merely spawn more extremism and violence and reverse the progress achieved.

35. It was regrettable that finalization of the draft comprehensive convention on international terrorism had been impeded during the previous session by the lack of political will shown by some parties. The final version must fill all the gaps in the existing conventions on terrorism, in particular the question of a clear definition of terrorism that distinguished the latter from the legitimate struggle against foreign occupation. The acts of military personnel should not be excluded from the scope of the draft convention unless they were legitimized by the principles of the United Nations and international law. In that connection, he drew attention to the proposal of the Organization of the Islamic Conference concerning draft article 18, which was the outcome of painstaking negotiations born of the desire for flexibility in order to ensure adoption of the draft.

36. His country had ratified most of the counter-terrorism conventions and introduced legislation on money-laundering and the financing of terrorism, for instance, in line with its international obligations. It had also acceded to various regional conventions for the suppression of terrorism and would continue its efforts in the context of the Charter of the United Nations and the aforesaid obligations.

37. **Mr. Aliyev** (Azerbaijan), speaking on behalf of the Organization of the Islamic Conference (OIC) Group, unreservedly condemned terrorism and rejected any attempt to link it to any particular religion, race, culture or ethnic group. The OIC Group had joined the consensus on the Global Counter-Terrorism Strategy despite shortcomings in that document. It attached pivotal importance to the full implementation of the Strategy and to its review by the General Assembly in 2008, particularly because of its focus on the root causes of terrorism. It remained determined to make every effort to reach an agreement on the draft comprehensive convention on international terrorism, including by resolving the issues of a legal definition of terrorism and the distinction between terrorism and the struggle of peoples against foreign occupation. He appealed to all parties to demonstrate the flexibility needed to finalize the draft and, in that connection, called on the Sixth Committee to reconvene its Working Group during the current session. The OIC Group also renewed the call to hold a high-level conference under the auspices of the United Nations to formulate a joint response of the international community to terrorism and supported the initiative to establish an international counter-terrorism centre, as well as the efforts to develop an international counter-terrorism code of conduct within the framework of the United Nations.

38. **Archbishop Migliore** (Observer for the Holy See) said that effective counter-terrorism measures did not conflict with human rights protection, which was indeed the primary objective of any counter-terrorism strategy. Nor must that strategy sacrifice human rights in the name of security. If counter-terrorism measures were implemented selectively, they would corrode the very values that they sought to protect, alienate large swathes of the world population and sap their own moral force. Nothing should be allowed to bolster the cause of terrorism; the terrorists' contempt for human life did not justify a refusal to treat them in accordance with international humanitarian and human rights norms. The projected comprehensive convention on international terrorism should make it clear that no cause could excuse or legitimize the deliberate killing or maiming of civilians. Even exercise of the right to resist unjust authorities and the right to self-determination should not threaten the social fabric and public order.

39. Terrorism was a cultural phenomenon that demanded a cultural response. People had to be convinced that non-violent means existed to remedy grievances; bold political, diplomatic and economic measures had to be taken to counter oppression and marginalization, which facilitated the designs of terrorists. Injustices offered fertile ground for the recruitment of terrorists, but they could never justify acts of terrorism. Moreover, the victims of the

breakdown of order sought by terrorists would be the countless poor people on whose behalf they claimed to be acting. Religions and interreligious dialogue had a fundamental role to play in promoting a culture of peace and mutual respect and encouraging non-violent remedies; States and the family of nations could help in that regard by fostering an environment in which such values could flourish.

Agenda item 153: Requests for observer status in the General Assembly (A/61/232)

40. **The Chairman** announced that the Bureau had appointed Mr. Barriga, Vice-Chairman of the Committee, to coordinate consultations in order to clarify certain procedural aspects of the consideration by the Committee of individual requests for observer status in the General Assembly.

Observer status for the OPEC Fund for International Development in the General Assembly (A/61/141 and A/C.6/61/L.3)

41. **Mr. Al-Anazi** (Saudi Arabia) introduced draft resolution A/C.6/61/L.3 concerning observer status for the OPEC Fund for International Development in the General Assembly and drew attention to the information contained in the explanatory memorandum in annex I to document A/61/141. The Fund stood ready to contribute its experience to the work of the United Nations on an official basis.

42. **Mr. Cairo Palomo** (Cuba) said his Government supported the request for observer status for the OPEC Fund for International Development in the General Assembly because, for more than three decades, the Fund had participated in major international development projects and had regularly cooperated with the United Nations and developing countries.

Observer status for the Indian Ocean Commission in the General Assembly (A/61/487 and A/C.6/61/L.2)

43. **Mr. Soborun** (Mauritius) introduced draft resolution A/C.6/61/L.2 concerning observer status for the Indian Ocean Commission in the General Assembly and drew attention to the information contained in the explanatory memorandum in annex I to document A/61/487. The granting of observer status to the Commission would enhance cooperation between it and the United Nations and would facilitate the Commission's work as an intergovernmental organization.

Observer status for the Association of Southeast Asian Nations in the General Assembly (A/61/510 and A/C.6/61/L.4)

44. **Mr. Baja** (Philippines) introduced draft resolution A/C.6/61/L.4 concerning observer status for the Association of Southeast Asian Nations in the General Assembly and drew attention to the information contained in the explanatory memorandum in annex I to document A/61/510. He said that, over the previous thirty years, contacts between the functional bodies of the Association of Southeast Asian Nations (ASEAN) and the specialized agencies of the United Nations had gradually expanded.

45. ASEAN was a dynamic, outward-looking organization with a history of close relations with various countries and with regional and international organizations. The area it represented was home to 8 per cent of the world's population. It had a combined gross domestic product of almost US$ 900 billion and its total volume of trade was worth more than US$ 1 trillion.

46. The 2005 Kuala Lumpur Declaration on the establishment of the ASEAN charter had set the stage for a historic transformation of ASEAN, enabling the Association to address the growing challenges and opportunities of regional integration and Asia's widening links with the rest of the world. The charter sought to infuse the Association with a renewed sense of purpose, strengthen its institutions, confer legal personality on it and promote the narrowing of the development gap between member States.

47. Participation of ASEAN as an observer in the United Nations General Assembly would further enhance cooperation between the Association and the United Nations and would broaden its interaction with other States Members of the United Nations and of other regional and international organizations in the pursuit of peace, justice and the rule of law.

48. **Ms. Asmady** (Indonesia) said that granting ASEAN observer status in the General Assembly would enhance the relationship between the two organizations. Cooperation between them with a view to promoting the social and economic development of the peoples of the region had been an ongoing process since ASEAN had been established. A closer

relationship would benefit both organizations, since ASEAN was founded on principles consistent with the Charter of the United Nations. Observer status would assist ASEAN in bringing prosperity and security to the peoples of South-East Asia and contribute to the maintenance of peace and the promotion of socio-economic development all over the world. The activities of ASEAN and the United Nations would be complementary and mutually supportive. Furthermore, observer status would offer ASEAN the opportunity to interact with other Member States and regional organizations under the auspices of the United Nations.

49. **Mr. Cheok** (Singapore) said that ASEAN had always supported the objectives of the United Nations. The two organizations had cooperated on a number of transnational issues and ASEAN welcomed efforts to expand that collaboration.

50. ASEAN was evolving and maturing as an organization and was moving towards greater integration. Regional organizations such as ASEAN complemented the work of the United Nations. The time was ripe for ASEAN to have observer status at the United Nations since it could be a strong partner, provide expertise and resources and contribute a unique regional perspective to discussions within the Organization.

51. **Mr. Guan** Jian (China) said that ASEAN had played an important role and been highly successful in promoting economic, social and cultural development. His Government cooperated closely with the member States of ASEAN. Giving ASEAN observer status in the General Assembly would boost cooperation between the Association and the United Nations.

52. **The Chairman** said that the Committee would return to the agenda item, including the requests for the granting of observer status introduced at the current meeting, once the Bureau coordinator had completed his consultations regarding the procedural aspects of the matter.

Agenda item 128: Administration of justice at the United Nations (A/61/205 and Corr.1)

53. **The Chairman** said that the comments of the Secretary-General on the report of the Redesign Panel on the United Nations system of administration of justice (A/61/205) and its financial implications would be issued in March 2007. The Bureau therefore suggested that consultations be held in order to determine how the Committee should proceed with its consideration of the item in question.

54. **Mr. Adsett** (Canada), speaking also on behalf of Australia and New Zealand and referring to the Redesign Panel's findings in paragraph 5 of its report (A/61/205), said that an internal justice system lacking the confidence of both staff and management had little to commend it.

55. It was in the interest of all States to ensure that the internal justice system of the United Nations enhanced accountability, was based on transparent processes that were fair and timely and commanded the respect of the many dedicated individuals with and without management responsibilities who worked at for United Nations. Once the Secretary-General had responded to the Panel's report, the Fifth and Sixth Committees of the General Assembly should consider the details of the report expeditiously.

56. **Ms. Wilcox** (United States of America) said that, although the Redesign Panel's efforts to suggest ways of reforming the system of administrative justice were welcome and although the proposed changes in that system might be useful, her Government had a number of questions and concerns about the specific proposals contained in the report. It therefore looked forward to more extensive discussions in the Sixth Committee and in the Fifth Committee, since any alterations to the internal justice system deserved careful consideration as it was important that they received widespread support.

57. **Mr. Maqungo** (South Africa), speaking on behalf of the Group of 77 and China, said that the administration of justice at the United Nations influenced the relationship between staff and management and could therefore have an impact on the efficient functioning of the Organization. It was necessary to strengthen the system as an integral part of the reform of human resources management and to achieve higher legal and judicial standards in the Secretariat which were in conformity with the rule of law.

58. The Sixth Committee should be ready to provide the Fifth Committee with any advice on legal matters it might require. He therefore proposed that discussion of the item be postponed until March 2007, to give the Fifth Committee time to consider the subject.

59. **Mr. Kuzmin** (Russian Federation) said that an efficient and fair system for the administration of justice within the United Nations directly affected the effectiveness of the work done by the Secretariat and the Organization as a whole. It was therefore vital to reform that system. The Redesign Panel was to be commended on its report which not only contained a thorough analysis of the subject matter, but also put forward a number of substantive suggestions for reform. A new improved system securing the rights of the personnel and the accountability of management and staff alike was indeed essential. Similarly, it was necessary to consolidate the system of internal justice by doing away with the multiplicity of bodies with often overlapping powers. It was, however, too early for substantive consideration of the report; it would be better to await the General Assembly's resolutions and the comments of the Secretary-General on the experts' proposals. It would likewise be necessary to devise a mechanism for cooperation between the Fifth and Sixth Committees when it came to discussing the report.

60. **Mr. Shah** (Pakistan) said that his delegation had carefully studied the report of the Redesign Panel and found that it made many valuable recommendations. The report made it clear that the current internal justice system was exceedingly slow, with some disciplinary matters taking up to three years, or sometimes even longer, to resolve. It was often said that justice delayed was justice denied. In order to avoid further delay in the delivery of justice, his delegation would recommend that, at the outset, the Sixth Committee should deal with the matter of administration of justice at the United Nations from the legal point of view and make recommendations. The item should then be referred to the Fifth Committee for a final decision.

61. **Mr. Samy** (Egypt) said that his delegation concurred with the view put forward by South Africa on behalf of the Group of 77 and China that there should be coordination between the Fifth and Sixth Committees in examining the item. Egypt looked to the Bureau to enlighten members on how best to accomplish that. His delegation wished to raise several substantive points with regard to the report of the Redesign Panel, but would reserve comment until the procedural issues had been settled.

62. **Mr. Elji** (Syrian Arab Republic) said it was clear that the United Nations internal justice system suffered from some fundamental flaws and was in need of reform in order to make it simpler and more transparent and just. The current system was detrimental to the morale of staff, particularly Secretariat staff, who felt that they were not enjoying the same rights and privileges as staff of other organizations.

63. His delegation believed that the most efficient way to proceed would be for the Fifth Committee to examine the report of the Redesign Panel from an administrative and financial standpoint and submit its recommendations thereon. The Sixth Committee could then offer legal advice on the matter, but that should occur only after the Fifth Committee had completed its deliberations. Accordingly, his delegation agreed with the proposal put forward by the Group of 77 and China that the Sixth Committee should hold a resumed session in March. Doing so should not entail any additional expense, as the Sixth Committee would not be using all of the resources allocated to it for the present session.

64. **Mr. Fitschen** (Germany) said that his delegation had taken note of the proposal of the Group of 77 and China regarding the procedure for consideration of the item by the Fifth and Sixth Committees. However, he wished to point out that the General Assembly, based on the recommendation of the General Committee, had allocated the item to both Committees without setting any precedence of one over the other. Therefore, it seemed to him that some guidance from the Bureau, possibly after consultations with the Bureau of the Fifth Committee, was indeed called for. Until that had occurred, his delegation would reserve its position on what procedure the two Committees should follow.

65. **The Chairman** reiterated that he had appointed Mr. Onisii (Romania), Vice-Chairman of the Sixth Committee, to undertake consultations with a view to determining the best course of action. The Committee would resume its discussion of the item at a later date in the light of the outcome of those consultations.

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/61/33, A/61/153 and A/61/304)

66. **Mr. Sevilla Somoza** (Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization), introducing the report on the work of the Special Committee during its 2006 session (A/61/33), noted

that the Special Committee had met in New York from 3 to 13 April 2006 to continue its deliberations on the questions mandated by General Assembly resolution 60/23. He drew attention in particular to chapter III, relating to the maintenance of international peace and security. Pursuant to the request of the General Assembly, the Special Committee had considered on a priority basis the question of the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions (paras. 16-21). The rest of the chapter dealt with the Special Committee's consideration of a number of documents submitted at earlier sessions: the working paper submitted by the Russian Federation entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures"; the revised working paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and application of sanctions; the Russian Federation's working paper entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations"; the working papers submitted by Cuba at the 1997 and 1998 sessions entitled "Strengthening of the role of the Organization and enhancing its effectiveness"; the revised proposal by the Libyan Arab Jamahiriya concerning the role of the United Nations in the maintenance of international peace and security; and the revised working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice.

67. Chapter IV concerned the peaceful settlement of disputes. Under that item, the Special Committee had considered a draft resolution entitled "Commemoration of the sixtieth anniversary of the International Court of Justice", submitted by Egypt, which had been adopted with some amendments. The Special Committee was presenting that draft resolution for adoption by the General Assembly.

68. Chapter V summarized the comments made in the general exchange of views regarding paragraph 176 of the 2005 World Summit Outcome (A/RES/60/1) concerning the deletion of Chapter XIII of the Charter. The discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were summarized in chapter VI.

69. Lastly, chapter VII addressed the question of improving the working methods of the Special Committee, which remained a priority for the General Assembly. The Committee had continued its consideration of a further revised working paper on that topic submitted by Japan and co-sponsors Australia, the Republic of Korea, Thailand and Uganda. The Committee had adopted the working paper.

70. **Mr. Mikulka** (Secretary of the Committee), speaking as the Director of the Codification Division and introducing document A/61/153, summarized the results achieved in the previous twelve months with regard to the *Repertory of Practice of United Nations Organs*. During 2006, volume I of Supplement No. 8 (1989-1994) and volume I of Supplement No. 9 (1995-1999) had been completed and made available on the Internet and were being submitted for publication and translation. Advance versions of several studies on individual Articles of the Charter had also been finalized and placed on the Internet. Those studies pertained to volume II, Supplements Nos. 7, 8 and 9; and volume V, Supplements Nos. 8 and 9. Various other studies on individual Articles under those volumes, as well as under volumes IV and VI, Supplements Nos. 8 and 9, were currently in preparation or under review. No progress had been made on the three volumes designated as volume III, Supplements Nos. 7, 8 and 9 (1985-1999). Volumes II and III of Supplement No. 6 (1979-1984) and volume VI of Supplement No. 7 (1985-1988), which had been available on the Internet for some time, had been issued in hard copy in English.

71. Studies from 31 complete volumes, together with studies on individual Articles of the Charter from 10 volumes not yet complete, were accessible on the United Nations website for the *Repertory*. The Secretariat would continue to make all three language versions of finalized *Repertory* studies available electronically as early as possible. The report of the Secretary-General (A/61/153) contained additional information concerning publication of volumes in language versions and funding.

72. With regard to cooperation with academic institutions, after the elimination of the backlog on volume I, the cooperation with such institutions had been reoriented towards other volumes, particularly volumes II, IV and V. In addition to the well-established collaboration with Columbia University,

active cooperation had been set up with the University of Geneva and the Graduate Institute for International Studies of Geneva, as well as the Universities of Paris X-Nanterre and Paris I-Sorbonne. Possible modalities for cooperation with other academic institutions were currently being examined. The spectrum of the participants involved was culturally and geographically diverse, since the aforementioned institutions hosted students from various countries, including developing countries.

73. Externs and interns had assisted in research for the preparation of *Repertory* studies during 2006. While their contribution had proved useful, and while further involvement of academic institutions was envisaged as a way of advancing the preparation of draft studies, contributions to the trust fund established by the General Assembly under resolution A/RES/60/23 would enable the Secretariat to accelerate work on the *Repertory* in a more sustained manner. No contributions to the trust fund had been received thus far.

74. **Mr. Christofides** (Security Council Practices and Charter Research Branch, Department of Political Affairs) updated the Committee on the status of the *Repertoire of the Practice of the Security Council*. The Secretariat continued to implement the two-track approach endorsed by the General Assembly in its resolution 60/23. That approach had allowed it to focus on contemporary Council practice in which Member States had indicated the most interest, while simultaneously ensuring progress in the preparation of the Supplements covering the Council's practice during the previous decade. The Secretariat was concurrently working on four Supplements to the *Repertoire*. The twelfth Supplement, covering the period 1993-1995, was scheduled to be sent to the editors by the end of 2006, as were the procedural chapters of the Millennium Supplement, covering the period 2000-2003. Work on the thirteenth Supplement, covering the period 1996-1999, and the fifteenth Supplement, covering the period 2004-2005, would pick up pace once the twelfth Supplement had been completed.

75. The Secretariat remained committed to making the completed sections of the *Repertoire* available quickly. It had continued posting advance versions of individual chapters from the various supplements in progress on the *Repertoire* website. In a further effort to broaden accessibility, the tenth Supplement to the *Repertoire*, the first to be published in all six official languages, had been made available on the website during 2006.

76. Contributions to the trust fund for the updating of the *Repertoire* had been important in sustaining progress in the preparation of the publication. The Secretariat was grateful to those Member States, including some members of the Security Council, that had made contributions. As indicated in the Secretary-General's report, in the past year the Fund had received contributions from Japan, Nigeria, Qatar, the Republic of Korea, the Russian Federation, Turkey and the United Kingdom. In addition, the Governments of Germany and Italy had continued their sponsorship of associate experts for a second year. Nevertheless, the Secretariat was concerned that in the absence of new pledges, the trust fund could be depleted within a few months, compromising the Secretariat's capacity to retain temporary staff working on the various Supplements. He therefore appealed to Member States to contribute generously to the trust fund or to provide support in the form of sponsorship of an associate expert position in the Secretariat.

77. **The Chairman** noted that a number of delegations had suggested that the Sixth Committee should adopt the General Assembly practice of giving precedence on the list of speakers to representatives speaking on behalf of regional groups, provided they had inscribed their names on the list prior to the start of the debate. Unless he heard any objection, he would take it that the Committee wished to adopt that practice, commencing with the discussion of the present agenda item.

78. *It was so decided.*

The meeting rose at 1 p.m.

United Nations A/C.6/61/SR.6

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Chairman: Mr. Gómez Robledo ..... (Mexico)

Contents

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

Agenda item 80: The rule of law at the national and international levels (*continued*)

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The meeting was called to order at 3.05 p.m.

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/61/33, A/61/153** and A/61/304)

1. **Ms. Sotaniemi** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Serbia; and, in addition, Iceland, Norway, Moldova and Ukraine, said that the European Union remained convinced that targeted sanctions were a critical tool in maintaining or restoring international peace and security. To be credible and efficient, sanctions needed to be designed carefully, with due regard to legal safeguards and to minimizing their adverse impact on third parties. Discussions should continue on the development of sanctions regimes, which should be constantly reviewed. It was particularly important to have fair and clear listing and de-listing procedures.

2. She welcomed the Security Council's open debate in June on the strengthening of international law and the practical progress achieved by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities in improving its sanctions regime, in particular its adoption of a cover sheet/standard form for listing submissions. The Committee, with the support of the Analytical Support and Sanctions Monitoring Team, should continue to develop its guidelines. The European Union was pleased that such issues were high on the Committee's agenda and welcomed the proposal to continue discussing the de-listing procedure. The envisaged mechanism would enable individuals to forward their de-listing request to a focal point in the Secretariat. Input from the Secretary-General was also welcome.

3. Work had also been done outside the United Nations, in particular the study on "Strengthening Targeted Sanctions through Fair and Clear Procedures" and the joint European Union-United States workshop on transparent and fair listing and de-listing. While the various proposals on sanctions were welcome, the Special Committee should avoid duplicating work assigned and done elsewhere. The Committee should, therefore, conclude its work on the issue as a matter of urgency.

4. She welcomed the Special Committee's draft resolution on the commemoration of the sixtieth anniversary of the International Court of Justice, reaffirmed the European Union's support for the Court and recalled in the recommendation of the 2005 World Summit Outcome that States that had not yet done so should consider accepting its jurisdiction. The European Union maintained the view that the Committee should refrain from seeking an advisory opinion concerning the use of force.

5. The European Union welcomed the progress made by the Secretary-General in preparing the studies of the *Repertory of Practice of United Nations Organs* and updating the *Repertoire of the Practice of the Security Council* and supported their early introduction on the United Nations website. The Secretariat should further strengthen the work of the Interdepartmental Committee on Charter Repertory and increase cooperation with academic institutions. Member States, meanwhile, should contribute further to the two trust funds established to facilitate the preparation of the publications.

6. The 2005 World Summit's recommendation that Chapter XIII of the United Nations Charter and references to the Trusteeship Council in Chapter XII be deleted, meanwhile, should be implemented in due time. Lastly, while the adoption of the working paper on the Special Committee's working methods was welcome, that Committee must improve its working methods further. The proposal to discontinue the Committee's annual meetings was a clear signal for change. The European Union would also be cautious about adding any new items to the Special Committee's agenda.

7. **Mr. Talbot** (Guyana), speaking on behalf of the Rio Group, underscored the Special Committee's important contribution to the revitalization process and to efforts to strengthen the United Nations. The fulfilment of its mandate depended not only on the adaptation of its working methods, but also on the political will of Member States. The Special Committee played a significant role vis-à-vis the reform process and 2005 World Summit decisions concerning the Charter. The Rio Group reiterated its proposal concerning the inclusion of two new issues in the Committee's programme of work: "Review of the

rules of procedure of the General Assembly" and "Consideration of the legal aspects of the reform of the United Nations".

8. The Group also reiterated its principled position that disputes should be settled by peaceful means and that coercive measures should be applied as a last resort and in accordance with the Charter of the United Nations. Sanctions regimes invoked and applied legitimately were more effective, but should be imposed only when all peaceful means of settlement of disputes had been exhausted and in cases of a threat to, or a breach of, the peace. Moreover, they should be administered in accordance with precise time frames and objectives and be subject to an objective review and assessment of their effects.

9. The Rio Group welcomed the report of the Secretary-General on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/61/304) and the conclusion of the Security Council informal working group on general issues of sanctions that targeted sanctions tended to have minimal negative effects on civilian populations and third States. The Group was pleased that all of the Council's existing sanctions regimes were targeted in nature and called for the ongoing application of measures aimed at giving assistance to third States affected by the application of sanctions.

10. Lastly, the Rio Group fully supported the Secretariat's efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and the progress made in posting them on the United Nations website. He hoped that they would soon be available in all six official languages. He urged States to contribute to the corresponding trust funds and the Secretariat to continue to enhance cooperation with academic institutions.

11. **Mr. Grey-Johnson** (Gambia), speaking on behalf of the African Group, said that the Security Council's power to impose sanctions should be exercised in accordance with the Charter of the United Nations and international law. Sanctions should be considered only after all means of peaceful settlement of disputes had been exhausted, be imposed for a precise time frame, and be lifted as soon as their objectives were achieved. They should also be non-selective and targeted, to mitigate their negative impact on the civilian population. He also stressed the need for strict adherence to Article 50 of the Charter.

12. The African Group recalled all relevant General Assembly resolutions, in particular resolution 60/23, and their various provisions for assisting third States affected by the application of sanctions and took note of the work done thus far by the Security Council informal working group on general issues of sanctions.

13. The African Group welcomed the Russian Federation's flexibility regarding the final form of the revised working paper entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures" and supported the idea of annexing it to a General Assembly resolution. He also supported the salient points raised in the proposal of the Libyan Arab Jamahiriya, in particular the provision on possible payment of compensation to target and/or third States for damage done by sanctions unlawfully imposed, and encouraged the Special Committee to continue its consideration of all other relevant proposals.

14. While reaffirming the principles enshrined in the Charter relating to the freedom to choose the means of peaceful settlement, the African Group reiterated the important role played by judicial mechanisms, in particular the International Court of Justice. It also urged Member States to make effective use of existing procedures and methods for the prevention and peaceful settlement of disputes, in accordance with the Charter.

15. Lastly, he welcomed the Secretary-General's conclusions regarding the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and the progress made in eliminating the backlog in their publication.

16. **Mr. Anwar** (India) said his delegation was pleased that the Special Committee had adopted the working paper concerning its working methods, which aimed to avoid duplication, narrow the Special Committee's focus, encourage early submission of proposals, establish a cut-off mechanism to prevent prolonged and ineffective discussions, limit consideration of some issues to once every two or three years, and allow for reconsideration of the duration of sessions. He hoped that its implementation would lend new momentum to the Special Committee's work.

17. The International Court of Justice was an important forum for the peaceful settlement of international disputes and had contributed significantly to both the maintenance of international peace and security and the development of international law on a wide range of issues. Once adopted by the General Assembly, the draft resolution on the commemoration of the sixtieth anniversary of the Court would convey the Assembly's appreciation to the Court.

18. The Russian Federation proposal regarding effective implementation of Article 50 of the Charter was still on the agenda. Immediate action was needed to implement the section of the 2005 World Summit Outcome that addressed sanctions, in particular paragraph 108. With regard to the Russian Federation proposal on United Nations peacekeeping operations in the context of Chapter VI of the Charter, while other specialized committees dealt with peacekeeping's political and operational aspects, the Sixth Committee could contribute from the legal angle. The allocation to the Sixth Committee of the agenda item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects" reflected the need for legal scrutiny of the subject. The Belarus and Russian Federation proposal to seek an advisory opinion from the International Court of Justice as to the legal consequences of the use of force by States without prior authorization by the Security Council, meanwhile, would help to clarify some important legal aspects of the matter.

19. Recalling the Cuban proposal aimed at redefining the powers and functions of the General Assembly and its relationship with the Security Council, he said that India attached great importance to United Nations reform. The Security Council's continuing encroachment on General Assembly mandates was of great concern. He welcomed proposals aimed at making the Security Council more representative, legitimate and effective and hoped that they would receive the attention they deserved. India was committed to a stronger, more efficient United Nations. Because the International Court of Justice had no automatic power of judicial review of Security Council decisions, it was important to introduce checks and balances by expanding the latter's permanent and non-permanent membership. Sanctions policy would also be more rational as a result.

20. Lastly, India supported the ongoing work on the *Repertory of Practice of United Nations Organs* and the efforts to update the *Repertoire of the Practice of the Security Council*.

21. **Mr. Abdelsalam** (Sudan) said the report of the Special Committee was commendable but failed to reveal any tangible outcome from the objective proposals submitted to that Committee. Referring to the 2005 World Summit Outcome, in particular paragraphs 106 and 107 relating to sanctions, he said that sanctions were a last resort after all peaceful means had been exhausted and should not harm civilian populations or third parties. Strict and objective criteria were essential for defining the objectives of sanctions, which should have time frames and be subject to periodic review, including assessment of their effects. It was thus regrettable that the provisions of the Charter, the content of the 2005 World Summit Outcome and the broad approach of Member States were all being brushed aside, sanctions having become a goal in themselves to be used extremely selectively, without moral or legal deterrent, as a means of political pressure and blackmail aimed at achieving narrow regional aims. Increasingly, moreover, they were being applied before all means for the peaceful settlement of disputes under Chapter VI of the Charter had been exhausted. In that context, experience had proved that measures which inflicted harm on the civilian population did not change the policies of the target State. Instead, they merely served as a form of collective punishment that wreaked economic and social havoc.

22. He supported the revised proposal submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness and agreed entirely with the conclusion set forth in the penultimate paragraph concerning the nature of the reform needed to revitalize the Organization. He also supported the ideas contained in the revised working paper submitted by the Russian Federation concerning the basic conditions and standard criteria for the introduction and implementation of sanctions, as well as the Russian working paper on the fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter. Both documents served as a basis for work aimed at filling a gap in areas in which the United Nations had become increasingly active. He hoped such endeavours would be complemented by those of the Sixth Committee in the context of its discussions on a comprehensive review of the whole question of peacekeeping

operations in all their aspects. Lastly, he welcomed the efforts of the Secretariat in connection with the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and applauded the proposals on the subject contained in the Special Committee's most recent report.

23. **Mr. Lamine** (Algeria) said that sanctions should be imposed only as a last resort, after the exhaustion of all peaceful means of settlement of disputes, in strict conformity with the Charter and international law, and only after the Security Council had determined the existence of a threat to the peace, breach of the peace or act of aggression. They should be subject to periodic review and be lifted as soon as their objectives had been attained. In that regard, he recalled the agreement reached at the 2005 World Summit regarding sanctions.

24. Article 50 of the Charter should not be interpreted as being purely procedural in nature; the duty to assist third States affected by sanctions was a key component of the collective security system and implied a sharing of the sacrifices caused by sanctions. Such assistance would also help third States respect sanctions, thereby making the latter more effective and credible. In that regard, he welcomed the work done by the Security Council informal working group on general issues of sanctions and the decisions taken to reduce the effects of sanctions on civilian populations, most recently in Liberia.

25. Resort to the use of force without prior Security Council authorization, except in the exercise of self-defence, deserved serious attention because of its grave implications. His delegation supported the Belarus and Russian Federation proposal to seek an advisory opinion from the International Court of Justice on the use of force. The initiative was based on a fundamental principle of the Charter — the non-use of force or threat of force — and was therefore very relevant. The use of force in international relations was acceptable only in exercise of the right to self-defence or if the Security Council decided that there was a threat to the peace, breach of the peace or act of aggression. Any other interpretation would jeopardize international peace and security. He hoped that a consensus would emerge so that the General Assembly could, at last, seek an advisory opinion from the International Court of Justice.

26. He hoped that further consideration would be given to the Cuban working paper entitled "Strengthening of the role of the Organization and enhancing its effectiveness" and support given to the efforts of other organs to reform and revitalize the General Assembly.

27. Lastly, he expressed appreciation for the Secretariat's efforts to ensure that the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were published regularly, the progress made in eliminating the backlog in their publication, and the fact that they had been posted on the Internet.

28. **Mr. Saw Hla Min** (Myanmar) welcomed the Special Committee's in-depth consideration of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions, and endorsed the view that any negative impact on civilian populations and third States as a result of sanctions, particularly special economic problems, should be minimized through practical and timely assistance to those affected.

29. Recalling paragraph 106 of the 2005 World Summit Outcome, he said that sanctions were a blunt instrument, the use of which raised the fundamental ethical question of whether it was legitimate to inflict suffering on vulnerable groups in the target country as a means of exerting pressure. The objective of sanctions was not to punish or otherwise inflict retribution on the populace. They must be applied in accordance with strict and objective criteria, particularly the provisions of the Charter and international law, for a specified duration and on tenable legal grounds, and should be lifted as soon as their objectives had been achieved. They were not applicable "preventively" in cases of violation of international law, norms or standards.

30. Referring to the request contained in the draft resolution submitted by Belarus and the Russian Federation for an advisory opinion from the International Court of Justice, he said that Myanmar considered the unilateral use of force without the authorization of the Security Council to be a violation of the Charter. An advisory opinion to that effect would effectively silence attempts to justify the unilateral use of force and would also help to strengthen the principle of non-use of force or threat of force.

31. Myanmar welcomed the fact that the Special Committee had devoted two meetings to consideration

of ways to strengthen the role of the Organization and enhance its effectiveness. In that regard, the proposal contained in the working paper submitted by Cuba was both useful and timely. In strengthening the Organization, it was essential to maintain the balance among the principal organs of the United Nations with regard to their respective functions and powers, particularly in view of the increasing encroachment by the Security Council on issues falling within the competence of the General Assembly. Given the important issues the Special Committee considered and the fact that its work was crucial in strengthening the Organization and promoting multilateralism, which Myanmar strongly supported, the Special Committee deserved the continued support of its entire membership.

32. **Mr. El-Sager** (Libyan Arab Jamahiriya) said that his delegation, which had submitted valuable proposals on some of the main items on the Special Committee's agenda, had participated actively in the Committee's work and hoped that it would play a fundamental role in the reform of the United Nations in the light of earlier deliberations and the consultations currently under way. His country's specific proposals on the subject of sanctions and the maintenance of international peace and security, to which it attached great importance, had been duly discussed together with those submitted by Cuba and the Russian Federation. He therefore hoped that, during the current session, the General Assembly would be able to adopt measures relating to conditions and criteria for the introduction of sanctions that included a set time frame, periodic review and the lifting of sanctions once the reasons for their implementation no longer applied. Sanctions should be used to deter acts that violated international law, although they should not be imposed until all other means provided for under the Charter had been exhausted.

33. Non-use of force was a deeply rooted principle of international law that should be upheld. His country therefore supported the proposal submitted by Belarus and the Russian Federation to request an advisory opinion from the International Court of Justice as to the legal consequences of resort to the use of force in certain circumstances. The issue of the strengthening of certain principles concerning the impact and application of sanctions should remain on the Special Committee's agenda until its consideration was complete, as should the issue of strengthening the role of the United Nations in the maintenance of international peace and security. He supported moves to revitalize the Special Committee's work, which could only be done by means of the cooperative participation in its activities of the largest possible number of Member States, with equal consideration given to all proposals submitted. In that regard, it was vital to ensure that sufficient time was allocated for the discussion of such proposals.

34. Concerning the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, it was important to publish both in order to facilitate access by all interested parties to the record of the practices of the Organization since its establishment. To that end, it was essential that they should be issued in all the official languages of the United Nations and he consequently proposed the establishment of a voluntary financing mechanism for their publication in each of those languages. His country, for instance, was ready to contribute to the financing required to issue both publications in Arabic. He believed that his proposal would provide an incentive for contributions and therefore hoped that it would be considered.

35. **Mr. Tajima** (Japan), said that his delegation shared the concerns voiced by other delegations regarding the future of the Special Committee, since the latter had taken six years to reach a decision on ways and means of improving its working methods and enhancing its efficiency. The working methods adopted were not a panacea for the fundamental problems that the Special Committee faced, and the current situation was widely acknowledged to be unsatisfactory.

36. Regarding the *Repertoire of the Practice of the Security Council*, it was important to compile information on the practices of the Security Council in order to improve its working methods. Japan welcomed the progress made in that regard, as well as the Secretariat's two-track approach, and hoped that its contribution to the trust fund for the updating of the *Repertoire* in March 2006 would assist the continuing efforts to improve the transparency, inclusiveness and legitimacy of the Security Council's work and facilitate the development of its working methods.

37. **Mr. Guan** Jian (China) said that the Special Committee, with its broad mandate, played a vital role as the only permanent mechanism for deliberations on the Charter of the United Nations and on the

strengthening of the role of the Organization and had made valuable contributions to maintaining international peace and security and improving relations among States. While his delegation appreciated the efforts by some States to enhance the efficiency of the Special Committee on the basis of consensus, greater political will was needed on the part of other States if such efforts were to succeed.

38. With regard to the basic conditions for the application of sanctions, sanctions should not be introduced until all peaceful means of dispute settlement had been exhausted. They must comply with strict standard criteria and the relevant provisions of the Charter and international law. There should be a time frame for their application, and their outcome and impact should be reviewed in a timely and objective manner. It was regrettable that the constructive proposal concerning sanctions submitted by the Russian Federation had not been adopted.

39. Referring to the formulation of guiding principles for United Nations peacekeeping operations, he said that consideration of the issue of peacekeeping within other United Nations bodies should not prevent the Special Committee from discussing the issue from the perspective of the Charter and the strengthening of the role of the Organization. However, China had no objection to referring the issue to other United Nations bodies if that would improve the Committee's efficiency. The Special Committee should not consider the issue of amending the Charter unless mandated to do so by the General Assembly, for that issue should be considered prudently within the overall framework of United Nations reform and the strengthening of the role of the Organization.

40. **Ms. Negm** (Egypt) said that the Organization's continuing inability to formulate a clear and comprehensive policy on the peaceful settlement of disputes was attributable, inter alia, to a lack of political will, double standards in handling disputes of the same nature and lack of respect for the principles established under the Charter to address such disputes. The objective outcomes of the Special Committee's deliberations were welcome, for they showed that it could make a genuine contribution to the work of the United Nations provided that Member States possessed the necessary political will. She therefore urged all States to demonstrate such will, in order to ensure the success of the Special Committee's work.

41. The strengthening of the Organization required reform from within, not only through the reduction of expenses, the review of mandates and improved performance by the staff, but also through the commitment of the principal organs to their mandates. The Security Council should not, therefore, interfere in the work of the General Assembly, but should focus on its main role of establishing and maintaining international peace and security, especially in the Middle East, a task in which it must not fall victim to political influences. The main key to strengthening the role of the Organization was to enhance its capacity to settle disputes peacefully, independently of political and military pacts and unilateral and narrow bilateral interests, and through optimal use of the international collective security system established under the Charter, thus thwarting any attempt to legitimize acts undertaken outside of the Organization's scope.

42. The negative impact of sanctions was one of the most important issues on the agenda. Sanctions should be applied in accordance with the relevant provisions of the Charter and only if all peaceful means of dispute settlement had been exhausted and if the State concerned refused to comply with the relevant Security Council resolutions. They should be applied gradually in order to facilitate evaluation of their impact, and any negative impact on neighbouring States and peoples should be avoided. There should be a proper time frame for their application; they should not be applied indefinitely, nor should they be extended or lifted without a Security Council resolution to that effect. Lastly, they should be imposed only in situations that threatened international peace and security, such situations being evaluated on the basis of confirmed and authenticated information.

43. It was important to improve the Special Committee's working methods so that it could produce results, thus enabling Member States to discuss the outcome of the work and agree on specific suggestions for strengthening the Organization's role.

44. Her delegation welcomed the efforts to eliminate the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and reaffirmed the importance of completing the *Repertoire of the Practice of the Security Council* in order to develop further the working methods of the United Nations and its principal organs. It hoped that the publications concerned would soon be available in all the official languages on the United Nations website, thus creating

greater transparency in the Organization's work. It was essential to further cooperation between the Secretariat and the academic institutions responsible for the studies and research necessary to prepare the *Repertory* and the *Repertoire* and to apprise Member States of the nature of that cooperation. In conclusion, she emphasized the importance of the Special Committee's work relating to the enhancement of the role and power of the General Assembly as the principal policymaking organ of the United Nations.

45. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that the debate on the report of the Special Committee was particularly important at a time when world leaders had reaffirmed their faith in the United Nations and renewed their commitment to the purposes and principles embodied in the Charter and in international law.

46. With regard to sanctions, his delegation endorsed the view that sanctions should be imposed strictly in accordance with the relevant provisions of the Charter and only if all means of peaceful settlement of disputes had been exhausted. While it supported the idea of targeted sanctions, greater consideration should be given to the unintentional consequences of sanctions for civilian populations and third States. Any sanctions regime should be evaluated on a case-by-case basis in order to provide redress for damage caused.

47. Regarding the implementation of Security Council resolution 1698 (2006) on the situation concerning the Democratic Republic of the Congo, efforts should be made to ensure that measures taken were aimed at preventing illegal exploitation of natural resources to finance armed groups and militia that were still active in the East of the country, and not at preventing the Government from using the country's wealth for the good of the population.

48. Concerning the use of force, his delegation condemned any coercive action undertaken in violation of Chapter VI of the Charter. Military intervention was justified only if all peaceful means of settling a dispute had been exhausted, and in that regard, the Special Committee should recall the spirit of paragraph 77 of the 2005 World Summit Outcome. His delegation supported the proposal by Belarus and the Russian Federation to request an advisory opinion of the International Court of Justice on the legal consequences of the use of armed force for reasons other than self-defence or without the prior authorization of the Security Council.

49. His delegation endorsed the recommendations of the Secretary-General concerning the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and welcomed the progress made towards making all language versions of those documents available electronically. However, in view of the "digital divide" between the countries of the North and those of the South with regard to access to information and communication technologies, it was essential to ensure that printed versions of the documents were also available.

50. Lastly, his delegation supported the Egyptian proposal concerning the celebration of the sixtieth anniversary of the International Court of Justice, which played a pivotal role in the peaceful settlement of disputes.

51. **Ms. Wilcox** (United States of America), referring to sanctions, pointed out that while Article 50 of the Charter provided for consultations as a mechanism for discussing the effects of sanctions should special economic problems arise, it did not require the Security Council to take any specific action in addition to those consultations, contrary to the continuing assertions by some Member States that such a requirement existed.

52. In that regard, she welcomed the Secretary-General's report on implementation of the provisions of the Charter related to assistance to third States affected by sanctions (A/61/304) and the fact that since 2003 all the Security Council's existing sanctions regimes had been targeted, thus helping to minimize unintended economic problems for third States. As a result, during the period covered by the report, no sanctions committees had been approached by Member States concerning special economic problems arising from sanctions. However, the United States of America recognized that compliance with sanctions entailed costs in some cases, and would continue to consider those costs through appropriate mechanisms such as the international financial institutions.

53. While her delegation commended the efforts of the Japanese delegation and the co-sponsors of the working paper on improvement of the Special Committee's working methods, it was regrettable that the final text of the working paper was more modest than the original proposal, and further work was needed. She expressed the hope that that text would be

viewed as a useful first step in a continuing process to enhance the efficiency of the Special Committee, and urged that Committee to remain focused on ways to improve its productivity.

54. **Mr. Kamto** (Cameroon) said that since the strengthening of the role of the Organization formed a vital part of the reform process and was directly linked to the maintenance and consolidation of peace, it was appropriate to review the part the Special Committee played in strengthening the Organization. The task of adapting the United Nations to the upheavals and problems of an ever-changing world was a delicate one, requiring the exploration of ways of facilitating the Organization's evolution without undermining its foundations or making it too cumbersome. To that end, the Special Committee should be helped to fulfil its mandate effectively and give fresh impetus to its work. While the new working methods adopted by the Special Committee in April 2006 were welcome, those methods alone were insufficient to strengthen the Committee's role; they must be combined with the political will of all Member States if the Committee was to fulfil the hopes placed in it.

55. Cameroon attached great importance to the implementation of the provisions of the Charter related to assistance to third States affected by sanctions. While sanctions remained an important means of maintaining international peace and security without the use of force, they should be imposed only as a last resort and in accordance with the relevant provisions of the Charter. Their application should have a minimal negative impact on innocent populations; in that regard, Cameroon therefore supported the idea of targeted sanctions, which had few repercussions on civilian populations and third States. The various proposals regarding sanctions should be given further consideration in order to improve the effectiveness of United Nations sanctions regimes.

56. With regard to the strengthening of the role of the Organization the best way to achieve that objective was to revitalize the General Assembly so as to enable it to perform its functions more effectively and efficiently. That could only be done by consolidating the powers assigned to it under the Charter, especially those relating to the maintenance of international peace and security. It was particularly important to improve the relationship between the Security Council and the General Assembly in that area; for example, the Security Council should provide the General Assembly with adequate information on the relevant measures it was taking.

57. Cameroon continued to comply with the relevant mechanisms for the peaceful settlement of disputes, particularly recourse to the International Court of Justice, and supported the proposal concerning the sixtieth anniversary of the Court. In that regard, further consideration should be given to the idea of encouraging public awareness in the teaching, study and wider dissemination of the activities of the Court in the peaceful settlement of disputes with a view to identifying concrete ways and means of putting that idea into practice, and to reflect on effective means of ensuring the implementation of the Court's decisions in accordance with Article 94, paragraph 2, of the Charter or through a new mechanism. In order to protect peoples from the effects of armed conflicts, particular emphasis should be placed on promoting a culture of conflict prevention.

58. Cameroon welcomed the measures taken by the Secretary-General to reduce the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and urged States to make the necessary contributions to finance the publication of those documents, which preserved the institutional memory of the Organization.

59. **Mr. Cairo Palomo** (Cuba), noting that the Special Committee played a fundamental role in the current United Nations reform process, said that authentic reform would require effective compliance with the Charter by all Member States, restoring the central role of the Organization in the system of international relations, ensuring the international rule of law, re-establishing the collective security system and guaranteeing peace through the development of multilateralism and cooperation between States. Key elements in the reform process were the democratization of the principal organs of the United Nations, and in particular the revitalization of the General Assembly, the main deliberative, policymaking and representative organ, so that it could fully exercise all of the powers granted it by the Charter.

60. A permanent solution must be found to the problem of applying the provisions of the Charter in respect of assistance to third States affected by the application of sanctions. That problem should not be treated separately from the general issues relating to

the application of sanctions by the Security Council, and was indissolubly linked to the reform of the Council. In accordance with the spirit of the Charter, the imposition of sanctions was an extreme measure that should be considered only when there was a real threat to peace, a breach of the peace or an act of aggression, or when all measures for the peaceful settlement of disputes provided for in Chapter VI had been exhausted, and after careful evaluation of the short- and long-term economic, social and humanitarian effects of such sanctions. Pursuant to the Charter, the Council acted on behalf of all Member States, which meant that the imposition of sanctions should meet with the approval of the entire membership of the Organization; it should not be a second privilege of the permanent members of the Council, additional to that of the veto. Furthermore, sanctions should not be used as a means of coercion by certain permanent members. There was a clear need to democratize the Council's decision-taking procedures in the area of sanctions in order to guarantee that Council decisions truly reflected the collective will of the Organization.

61. Sanctions regimes must have clear objectives and specific time limits with periodic reviews, and must be adjusted in line with the prevailing humanitarian situation in the targeted State. Any attempt to use sanctions to change or modify a country's political or legal structure or to resolve international disputes was illegal under international law. Substantive changes should be made to the working methods of the Security Council Sanctions Committees, which suffered from the same flaws as the decisions and procedures of the Council itself, including a lack of transparency. In order to ensure that sanctions were an effective and fair mechanism, an authentic relationship had to be established between the General Assembly and the Security Council. The Assembly should exercise the functions assigned to it by the Charter in matters of peace and security. It should participate actively in the decision-making concerning the application of sanctions against a Member State and also in the subregional follow-up.

62. Many important proposals had been submitted to the Special Committee by various Member States, including Cuba, which deserved to be discussed, but the lack of political will on the part of certain States had impeded the Committee's progress in that area more than the latter's working methods.

63. Welcoming the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/61/153), and the efforts made to ensure that *Repertory* studies were available in English, French and Spanish on the Internet, he expressed concern regarding the future of that publication given the lack of resources.

64. **Mr. Popkov** (Belarus) said the Special Committee was the appropriate forum for considering the various legal aspects of the reform of the United Nations, including those deriving from the 2005 World Summit Outcome. In that regard, Belarus supported the proposal made by the representative of Guyana on behalf of the Rio Group. Concerning the addition of two new items to the Special Committee's agenda, but considered that that should not lead to a revision of the rules of procedure of the General Assembly.

65. The reform of the Organization should include the enlargement of the membership of the Security Council and the improvement in its working methods, the revitalization of the work of the General Assembly, and the strengthening of the role of the Economic and Social Council, especially with regard to mitigating the consequences of sanctions and coping with socio-economic, humanitarian and environmental crises. That could be done if a firm legal basis has created a process in which the Special Committee could play an active part.

66. Belarus favoured the rapid achievement of consensus regarding the revised working paper submitted by the Russian Federation on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures, which could be adopted in the form of either a declaration or an addendum to a General Assembly resolution. Sanctions should be regarded as an extreme, emergency measure to be taken in reaction to situations posing a threat to international peace and security. However, a rational rule should be formulated defining the relationship between the sanctions mechanism and the requirement concerning the prior exhaustion of all peaceful means of dispute settlement. More thought should be given to how stringent the working paper should be in that respect.

67. More should be done to establish an effective system for applying the Charter provisions concerning assistance to third States affected by sanctions, both

within the framework of the General Assembly and in the Sanctions Committees and working groups of the Security Council. A thorough legal analysis must be made of the entire spectrum of compensation and other measures so as to protect the economic interests of third States, chiefly the developing and least developed countries, and also in order to enhance the effectiveness of the sanctions by encouraging States to respect them.

68. Belarus agreed with those who had drawn attention to the measured results achieved by the Special Committee, often because of its working methods, but was not in favour of abolishing it. Belarus was ready to give further consideration to proposals aimed at improving the Special Committee's work, but insisted that its work must be based solely on rules that were in accordance with General Assembly procedures. The provisions in the working paper on working methods should take the form of recommendations.

69. With regard to the Belarus-Russian proposal that an advisory opinion be requested from the International Court of Justice, such an opinion could be of great significance in developing the principle of the non-use of force or threat of force contained in the Charter. It was hoped that the opinion would clarify, first, what legal consequences arose for States using force without prior authorization by the Security Council, albeit in compliance with the norms of international humanitarian law; second, whether a decision of the Security Council or the General Assembly was required in order to determine the existence of an aggression in the context of the legal consequences of non-compliance with the Charter provisions governing the use of armed force; and third, what legal consequences arose for the international community as a whole if a State or group of States used armed force in contravention of the Charter.

70. Belarus supported the proposal that the General Assembly, at its current session, should adopt a resolution commemorating the sixtieth anniversary of the International Court of Justice. Belarus considered that the Court could play a more prominent role in the system of international legal institutions by promoting interaction among them and the exchange of information on problems relating to the application of international law.

71. **Mr. Ri** Song Hyon (Democratic People's Republic of Korea) said that substantial action should be taken to ensure the central role of the United Nations in addressing major international issues. Undisguised unilateralism and high-handedness obstructed the establishment of equitable international relations and efforts to resolve international issues fairly. While that situation persisted, the United Nations could not fulfil the mission assigned to it in the Charter.

72. The General Assembly should be empowered to give final approval with regard to the use of armed force and the imposition of sanctions, as well as economic and social issues. Currently, sovereign States were being unscrupulously subjected to aggression by a super-Power and countries patronized by it, because the General Assembly could not exercise the right to take decisions regarding conflicts. Most sanctions were not used for the genuine resolution of conflicts but were used as a way of furthering the political interests of a few countries, including a super-Power. The credibility of the Security Council was decreasing because of its partiality and irresponsibility in regard to the imposition of sanctions.

73. One of the most serious and typical violations of the Charter was the "United Nations Command" in South Korea, which was in fact the Command of the United States military forces. No true reform of the United Nations could be envisaged as long as that relic from the last century, over which the United Nations had no control, was left intact because the super-Power was involved. Dismantling of the "United Nations Command", which had been abusing the name of the United Nations for more than half a century, should be the first subject of United Nations reform.

74. **Mr. Hoang Chi Trung** (Viet Nam) said the Charter provided that sanctions were to be envisaged once a threat to peace or a breach of peace had occurred, but only after all peaceful means of settlement had been exhausted. In reality sanctions imposed on targeted States might cause negative consequences for third States. Sanctions should be applied strictly in accordance with international law, especially the Charter, and in order to minimize or avoid adverse impacts they must be clearly defined, targeted and imposed for a specific period, be subject to periodic review and be lifted as soon as the reasons for their imposition had ceased to exist. Their ramifications should be taken into account and assessed prior to imposition, and assistance should be

given to affected third States in a practical and timely manner.

75. Viet Nam strongly supported the revised working paper submitted by the Russian Federation entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures". It also supported the Working Paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and application of sanctions. His delegation encouraged others to consider the papers in a cooperative spirit with a view to concluding the work on them as soon as possible. Viet Nam also welcomed the Security Council's decision to extend the mandate of the Informal Working Group on General Issues of Sanctions until 31 December 2006. He expressed support for the working papers submitted by Cuba entitled "Strengthening of the role of the Organization and enhancing its effectiveness", which contained valuable elements, and said that the General Assembly's role in the maintenance of peace and security should be further strengthened. He also expressed support for the working papers submitted by the Libyan Arab Jamahiriya and by Belarus and the Russian Federation. Viet Nam welcomed the adoption of the working paper on the working methods of the Special Committee sponsored by Japan, Australia, the Republic of Korea, Thailand and Uganda. Viet Nam also supported the adoption of the draft resolution proposed by Egypt and entitled "Commemoration of the sixtieth anniversary of the International Court of Justice".

76. **Mr. Kuzmin** (Russian Federation) said the Special Committee was one of the most important forums established by the General Assembly to discuss the Organization's legal problems, but recently its work had been less productive than in previous years. However, during its most recent session it had shown its ability to achieve results, with the adoption of rules for improving its procedures, and of a draft resolution concerning the commemoration of the sixtieth anniversary of the International Court of Justice. The Russian Federation supported the proposal made by Guyana on behalf of the Rio Group concerning the inclusion of two new items on the Special Committee agenda because they were very appropriate to its mandate, and urged the Committee to approve their inclusion.

77. The report of the Secretary-General on implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions (A/61/304) showed that the Organization had made little effort to deliver such assistance. It would be interesting for the General Assembly to acquaint itself with the methods and procedures mentioned in the report, and he requested the Secretary-General to prepare the necessary material and present it to the Special Committee at its next session.

78. With regard to the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/61/153), those publications were a valuable repository of institutional memory yet their financing remained a difficult issue. The Russian Federation proposed that their preparation and publication should once again be financed out of the Organization's budget. As for the Special Committee's recommendation concerning wider cooperation with academic institutions and the increased use of interns and outside experts in work on the *Repertory* and the *Repertoire*, the Russian Federation realized that such measures were unavoidable but felt that a number of aspects had to be taken into consideration: the system of involving outside experts and institutions had to be transparent and equitable, and all States had to have the opportunity to participate; also, it was important not to forget that the Secretariat has the responsibility for the quality of the two publications. His delegation was seriously concerned about the changes in the format of the *Repertoire of the Practice of the Security Council* mentioned in the report. It understood the Secretariat's desire to speed up preparation but that should not be done at the cost of quality. The principles laid down by the Secretary-General in 1952 regarding work on the *Repertory* and the *Repertoire* must be strictly adhered to.

79. Turning to the future fate of the Trusteeship Council, he said that the Russian Federation had supported the decision of the World Summit that it be abolished. Nevertheless, the decision to make changes to the Charter should be considered in the overall context of reform of the Organization.

80. **Mr. Choi** Sung-soo (Republic of Korea) expressed the hope that the Special Committee's newly adopted working methods would enhance its efficiency. Commenting on the statement by the representative of

the Democratic People's Republic of Korea that the United Nations Command on the Korean peninsula had been established unlawfully, he recalled that the use of the United Nations flag by the Command had been authorized by the Security Council in its resolution 84 of 7 July 1950. Two Security Council decisions, namely resolution 84 (1950) and resolution 88 (1950), both adopted in due procedural form, recognized the United Nations Command as the entity entrusted with the function of maintaining peace on the Korean peninsula. The General Assembly had also adopted two resolutions on the Korean question, resolution 3390 (XXX) A and resolution 3390 (XXX) B. Resolution A urged all parties directly concerned to enter into negotiations on new arrangements to replace the 1953 Korean Military Armistice Agreement, and to reduce tension and ensure a lasting peace in the Korean peninsula. Resolution B, the one mentioned by the representative of the Democratic People's Republic, ran counter to resolution A. Since the two resolutions cancelled each other out, it was misleading to imply that there was one authoritative General Assembly resolution on the matter, or to mention only one of the resolutions without the other. However, the Sixth Committee was not the appropriate forum to discuss the status of the United Nations Command, which could only be decided in tandem with the replacement of the Armistice Agreement by a Peace Agreement.

81. **Mr. Elji** (Syrian Arab Republic) said that he was extremely concerned by the double standards and policies in operation. Sanctions, for instance, were now being used more than ever before in a way that often damaged the Organization's credibility. Coercive political or economic sanctions imposed without Security Council authorization were a dangerous, illegitimate and arbitrary practice that was incompatible with international law. Sanctions could be imposed only under Chapter VII of the Charter of the United Nations and only then after all of the means available under Chapter VI had been exhausted, the point of which was to avoid any negative consequences for the civilian population of the target State or for third States. Sanctions should be imposed fairly in accordance with the Charter, with thorough consideration given to their long- and short-term effects, which should exclude any punishment of the populace. There should be a specified time frame and the conditions demanded of the target State should be defined clearly from the outset, with sanctions being lifted on removal of the threat to international peace and security. Third States affected by sanctions should be entitled to claim compensation and basic conditions and standard criteria for the introduction and implementation of sanctions should be formulated to include ways of preventing or minimizing any negative consequences. In short, sanctions were a problem that had humanitarian, legal and political dimensions. In that connection, the revised working paper submitted by the Russian Federation was highly pertinent and merited full attention. He also noted the comments on sanctions contained in the final document adopted by the Fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement in September 2006. Those comments were a first step towards the formulation of criteria for sanctions, yet further dialogue within the Special Committee aimed at building on the ideas articulated in that document had been precluded by the lack of political will on the part of some States.

82. He also supported the working papers submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness, as well as the revised proposal submitted by the Libyan Arab Jamahiriya in connection with that same topic, particularly in regard to the Security Council, which he hoped would soon be enlarged and its working methods reformed. The role of the General Assembly should also be revitalized to ensure the effective performance of its mandate, notably in regard to the maintenance of international peace and security. It was thus important that the Sixth Committee should continue to explore and follow up the issue. He also supported the revised working paper submitted by Belarus and the Russian Federation concerning the proposal to request an advisory opinion from the International Court of Justice, which had been unanimously favoured with the exception of one State that continued to voice its unreasonable opposition.

83. With regard to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, he noted with concern the ongoing backlog of certain volumes, not least because it would grow further in 2007 with the coverage of new periods on which work had not yet begun. He hoped that hard copies would soon be published and added that the preparation of studies for the *Repertory* should be supported through a redistribution of resources to the appropriate unit. The contribution of interns to that preparation was invaluable but it required a certain expertise. It was

therefore essential to vet the skills of such interns, as well as their impartiality. He called for contributions to the trust fund for the *Repertory* and proposed the use of savings for translation of the two publications into the remaining official languages, since they constituted both the official record and the institutional memory of the Organization.

84. Concerning the working methods of the Special Committee, he underscored the right of States to submit proposals aimed at strengthening that Committee's role and noted the Committee's recommendations in that regard had been adopted on the understanding that they would not be subject to the review of legislative mandates. He was reluctant to accept those recommendations, however, in view of some of the comments made on them.

Agenda item 80: The rule of law at the national and international levels (*continued*) (A/61/142)

85. **Ms. Sotaniemi** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and, in addition, Iceland, Moldova, Norway and Ukraine, endorsed the inclusion of the item in the Committee's agenda. Respect for the rule of law was the foundation for peaceful coexistence among nations. An international judicial system was likewise essential in developing accountability for the most serious crimes committed by nations and individuals. The establishment of the special tribunals for the former Yugoslavia, Rwanda and Sierra Leone, and of the International Criminal Court, had strengthened the international rule of law by removing impunity for individuals. The European Union was committed to upholding and developing an international order based on international law, including human rights law, with the United Nations at its core. Clear and foreseeable rules, adherence to those rules and an effective multilateral system to prevent or sanction violations, were preconditions for lasting international peace and security.

86. At the national level, the rule of law was founded on the principle of legality, the balanced separation of powers, respect for international law including human rights, and access to justice for all. The need for justice was greatest in conflict and post-conflict situations, when judicial structures might well have been undermined. The 2005 World Summit Outcome recognized the nexus between peace and security, development and the rule of law, and especially respect for human rights.

87. The Sixth Committee and the International Law Commission had played an important role over the years in the codification and progressive development of international law. The annual debate in the Sixth Committee on the Commission's report was an opportunity for mutually beneficial interaction with the Member States and international actors, including other organs of the United Nations system. The European Union invited the Bureau and the Secretariat to explore ways to reinforce that interaction. It welcomed the introduction of informal interactive debates, panel discussions and question-and-answer sessions. Informal interactive debates with members of the Commission should become a regular event during the annual International Law Week, and informal meetings between Member States and Commission members could perhaps be organized at other times.

88. The European Union welcomed the discussion on promoting the ratification and implementation of treaties. It was pursuing the same topic internally. The principle of the supremacy of international obligations over obligations under national law was well established. The principle codified in article 27 of the Vienna Convention on the Law of Treaties that the provisions of domestic law could not be invoked to justify failure to perform a treaty obligation was particularly important for the integrity of treaties, and so was the Commission's current work on the legal effects of reservations and objections to treaties. Welcoming the annual Treaty Events at the United Nations, she suggested organizing presentations and discussions, under a different theme each year, on best practices and lessons learned regarding the implementation of the key treaties, drawing upon the expertise and experience of the Office of Legal Affairs and organs such as the United Nations Office on Drugs and Crime, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the High Commissioner for Human Rights. The European Union was already providing assistance to States on the ratification and implementation of the Rome Statute of the International Criminal Court.

89. The open debate held in the Security Council in June 2006 had drawn attention to the crucial role of the International Court of Justice in maintaining and restoring international peace and security, based on the obligation of States to settle their disputes through peaceful means. The 2005 World Summit Outcome contained a recommendation that States which had not yet accepted the Court's jurisdiction should consider doing so. The United Nations provided valuable opportunities for following the work of the Court and other international judicial bodies for the settlement of disputes, including visits by the President of the Court to the Sixth Committee during International Law Week. The European Union also looked forward to the first informal meeting of the Committee with the President of the International Tribunal for the Law of the Sea.

90. She welcomed the establishment of the Peacebuilding Commission and other Security Council peacebuilding initiatives, which should, however, also be considered in the General Assembly. The report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) was an important milestone in respect of peacebuilding. The absence of the rule of law, manifested in either impunity or lawlessness, undermined public confidence, hindered development and led to organized crime and terrorism and to renewed conflict. The European Union welcomed the rule of law mandates given to new peacekeeping and peacebuilding missions. Progress had been made in transitional justice, with many missions now supporting vetting, truth commissions and prosecutions, and encouraging wider involvement of local people. It was therefore regrettable that the report of the Secretary-General had not been followed up in the two years which had elapsed since it was issued. She urged the Secretariat to act upon the request made by the Security Council to that effect in June 2006.

91. The European Union was concerned that adequate resources should be secured for post-conflict rule of law activities. It urged the Secretary-General to act on the proposal endorsed in the 2005 World Summit Outcome to create a dedicated rule of law assistance unit within the Secretariat. Such a unit was necessary in order to coordinate work currently divided among numerous departments and agencies within the United Nations system. It should be established at a sufficiently senior level in the Secretariat to ensure effective coordination, taking account of the central role of the Office of Legal Affairs in providing substantive legal advice. It should have a broad mandate, including the coordination and streamlining of all rule of law activities within the system, the facilitation of technical assistance, recommendations for strengthening the rule of law, and cooperation with other organizations, funds and programmes active in the same field. Within United Nations missions, all units whose role was vital to the rule of law must cooperate to the maximum so that domestic justice systems could be promptly rebuilt.

92. Lastly, the European Union supported the suggestion that the Committee should each year choose a sub-topic for special attention, provided discussions elsewhere in the United Nations were not duplicated. The topic chosen for the following year should be identified in a resolution. She also endorsed the proposal for an analytical report by the Secretary-General as a basis for the debate within the Committee.

93. **Ms. McIver** (New Zealand), speaking on behalf of Australia and Canada as well as her own country, said that the main goal of the United Nations at the time of its foundation had been to bring the rule of law into international relations. The Charter was the central framework for the rule of law in international affairs, and the work of the United Nations, including its work in human rights, peacekeeping, disarmament, development and good governance, underpinned the rule of law at the national level. She emphasized the importance of Member States supporting the Organization's work to promote the rule of law, including the work of the International Law Commission, the International Court of Justice, the International Criminal Court and the ad hoc criminal tribunals. The General Assembly also had an important role to play in promoting the Organization's rule of law activities. The work of the Sixth Committee on the rule of law should be practical and action-oriented, and should not duplicate work being done by other committees or other organs of the United Nations. The Committee should therefore refrain from discussing the scope or definition of the rule of law, and should instead focus on establishing modalities for the agenda item with a view to tackling it in a productive manner at its next session.

94. Canada, Australia and New Zealand all supported the identification of one or two topics for the Committee to discuss in the context of the item on the rule of law. Two possible topics were international

criminal justice, including so-called "residual" or "legacy" issues arising from the completed work of international and hybrid criminal courts and tribunals; and the need for better coordination of technical assistance through the United Nations for the rule of law, and assistance from the United Nations for the adoption and implementation of treaties. The exchange of information about rule of law needs, developments and activities among organs and agencies of the United Nations, and between the United Nations, Member States and civil society, stood in need of improvement. For that purpose, she looked forward to the Secretariat's advice on the establishment and mandate of the future rule of law assistance unit.

95. **Ms. Khan** (Pakistan) said that the rule of law was crucial to achieving social and economic justice as well as international peace and stability. In that context, the role of United Nations peacekeeping troops in post-conflict situations was a source of satisfaction for the troop-contributing countries, including Pakistan. The need for justice and the rule of law had to be integrated into any international or United Nations involvement in post-conflict societies. In those situations, help was needed for national institution-building and capacity-building for judicial systems. Local and informal traditions for the administration of justice and the settlement of disputes could be drawn upon, to the extent that they were consistent with international norms. Further incentives to preserve the rule of law came from reconstruction efforts, economic revival and employment creation.

96. The culture of impunity should never be allowed to prevail. Her country fully supported the mandate and work of the international criminal tribunals for Rwanda and the former Yugoslavia, which had shown that nobody was above or beyond the reach of international law. Responsibility for crimes against humanity must be traced upwards through the chain of command, and concerted efforts made to arrest fugitives and bring them to justice. Impunity for financial crimes should likewise be brought to an end. Cooperative mechanisms to restore to their countries of origin funds or other assets acquired unlawfully or through corruption should be strengthened and improved.

97. National rule of law strategies complemented those used at the international level, and the current inconsistency in applying the rule of law at the two levels must be eliminated. The decisions of the Security Council, under either Chapter VI or Chapter VII of the Charter, must be implemented without discrimination. Selective implementation created an unjust environment and eroded the credibility of the United Nations.

98. There was also a need to strengthen the international judicial system through the international judicial institutions. The Security Council should make maximum use of the International Court of Justice. Situations posing a threat to international peace and security must be dealt with according to the principles in the Charter, and especially those relating to collective security, which governed the use of force.

99. Her delegation supported the proposal in document S/2006/367 aimed at enhancing the efficiency and credibility of sanctions regimes instituted by the United Nations. The use of such regimes in recent years had raised fundamental legal issues relating to the listing and de-listing procedures of the various sanctions committees, and those issues must be addressed as a matter of priority.

The meeting rose at 6 p.m.